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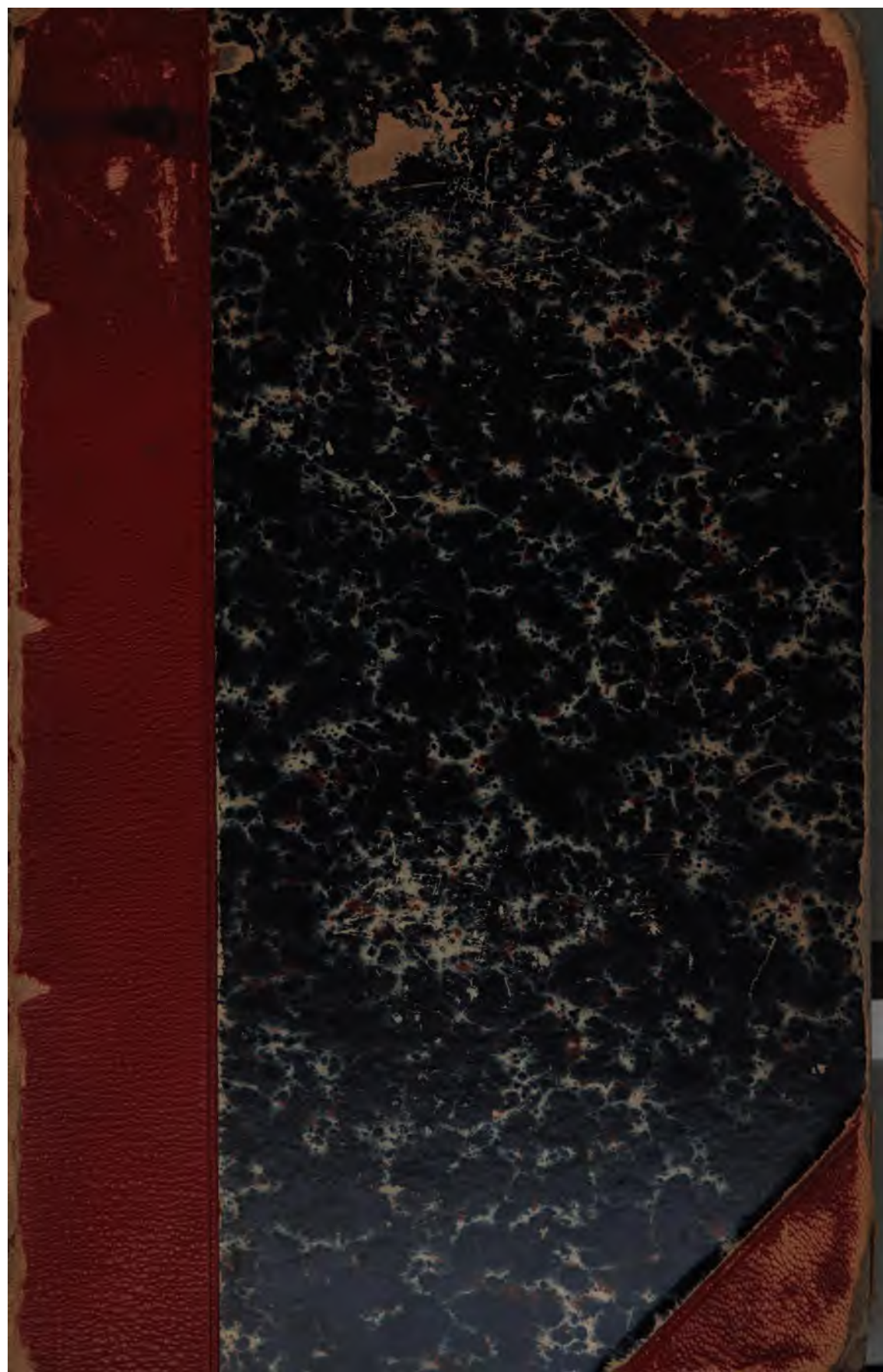
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*The New Century Club.*

*21 May, 1901*











STATUTES  
OF  
EVERY STATE IN THE UNITED STATES  
CONCERNING  
Dependent, Neglected and  
Delinquent Children

COMPILED BY A COMMITTEE OF  
THE NEW CENTURY CLUB  
PHILADELPHIA

MRS. FREDERIC SCHOFF, *Chairman*  
MISS HELEN A. COMLY, *Secretary*

Compliments of the  
New Century Club  
of Philadelphia





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EVERY STATE IN THE UNITED STATES  
CONCERNING  
Dependent, Neglected and Delinquent  
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COMPILED BY A COMMITTEE OF  
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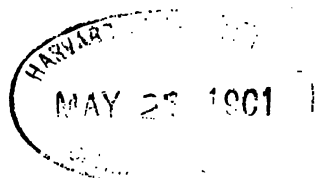
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MRS. FREDERIC SCHOFF, *Chairman*.  
MISS HELEN A. COMLY, *Secretary*.

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## PREFACE.

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**T**HIS compilation of the provisions made by different States for the care of dependent, neglected and delinquent children has been made by a committee of the New Century Club of Philadelphia, with the hope that through a comparison of methods and results, a more perfect system may be evolved for the care and training of helpless children.

Those who have studied child-nature, its character and possibilities, realize with sadness of heart how inadequate and incomplete have been the methods adopted for the protection of dependent, helpless children. There is no subject of greater importance to the whole community than the methods to be pursued to develop helpless, dependent, neglected childhood into noble, independent manhood.

The problem is one that faces us to-day in nearly every State of our Union, for when one looks through the statutes of the different States, it is with wonder and surprise that one finds, in by far the greater majority of them, the most meagre provision is made for the class upon which it will pay most richly to expend thought, care and money.

The future of our nation rests on those who are children to-day. As we care for them, wisely or unwisely, so will the State and nation gain or lose in the years that are to come.

There is scarcely a State that does not recognize its duty towards, and provide liberally for the care and education of indigent children who are blind, deaf, dumb or defective; and everything is done to make them happy and self-supporting.

The recognition of the needs of this helpless class of children seems to be universal and speaks well for State government.

There is another class of children, however, though mentally and physically sound, who stand in just as great



need of suitable provision as the defective, and for these no such generous provision is made.

This class is the neglected, dependent, helpless little ones, who have as yet committed no fault, and who are in this helpless condition through the fault of others, not their own. Usually these children are surrounded by conditions which will almost surely develop the bad instead of the good, yet within them, still unsullied, is the innocence of childhood, the possibility which is implanted in every human soul to grow and develop into noble manhood.

Society cannot afford to ignore this class of citizens who deserve the best that can be done for them. These are the children our laws should guard with greatest care, but who are unprotected in most States until crime has touched them, until some misdemeanor brings them first to public notice.

Then some of the States provide reform schools to try to cure what might have been prevented. In some States the reform schools are provided by private charity, and the State uses them and contributes to their support, but beyond that assumes no responsibility.

The intention of these houses of refuge or reform schools is excellent, but they too often fail in their purpose because children of tender years and children who have already seen much of evil are all sent to the same institution. Even if the cottage system prevails, and the children are graded as to character, the stigma of the reform school attaches to little children who should be carefully guarded against such a blight on their lives.

There are still some States where prison is the only place provided for juvenile offenders, and the prisons are full of small boys who have been committed for trivial offenses, vagrancy and the like. Can we wonder that our criminal population increases; for are we not, by placing children amid such surroundings and influences, confirming them in evil ways?

Those States which have made most ample provision for the care of dependent children are the States which spend the least and have the fewest dependent children.

Those States which have made little or no provision, but leave the whole subject to private charities, are the States

which have the largest number of dependent children, and pay out the largest sums to aid private institutions in the care of them. Many of these charitable institutions, founded with the best intentions, are fostering dependence and pauperism. Institution life, if long continued, unfits children for the life of home and the world.

The United States leads the world in the opportunity it affords for a common school education for every citizen, but could our public school system have effected what it has, and reached into every little village and hamlet, if each State had not provided for it in its laws? Would unorganized individual effort make it comprehensive and universal?

That which is of importance to every citizen of the Commonwealth should not be left to voluntary unorganized effort, and we can never expect a system which will cover the needs of the whole community, until each State assumes the duty of caring for its dependent citizens in such a manner as to best develop character and independence, and so comprehensively that no child may escape the watchful vigilance of those whose duty it will be to protect him from evil influences.

Each State would do well to appoint a commission composed of men and women who are acquainted with child nature and with the methods required to develop its highest possibilities, to investigate different systems, carefully comparing results, and from this broad study to recommend a system which the State might adopt advantageously to itself and to its citizens.

The most effective child-saving work has been done in those States which have assumed that it was the State's duty to protect the future of its helpless citizens morally, physically and intellectually, and this preventive work has saved millions of dollars to such States.

The New Century Club publishes this pamphlet for the convenience of those who would study the conditions of dependent and delinquent children, believing that it is a study of deepest import to the nation.



LAWS OF ALL THE STATES IN THE  
UNITED STATES RELATING TO DE-  
PENDENT, NEGLECTED AND  
MISDEMEANING CHILDREN.

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ALABAMA.

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GENERAL ACTS OF ALABAMA, 1898-99.  
REFORMATORY.

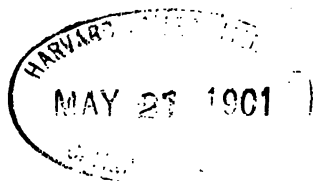
*No. 817.*

AN ACT, To establish a reformatory and industrial school under the name and style of the Alabama Industrial School, for the benefit of orphan, helpless and wayward children; to provide for its government; to prescribe what children shall be admitted thereto; and further to provide that certain children shall be sent to, and kept therein, and to provide mode of ascertaining whether any given child should be committed thereto.

SEC. 6. *Be it further enacted*, That it shall be the duty of said school, and it shall have the power, to receive, care and provide for the welfare of white children, between the ages of six and eighteen, who, by their cause of conduct or surroundings are likely to become base or criminal, or hurtful to the State, or the best interests of society, to be committed to the keeping of said school under the provisions of this act, or may be voluntarily committed to its keeping by the parents or parent, or person having them in charge, or who, having no parent, guardian or other person to care for them, voluntarily commit themselves to its keeping.

SEC. 7. *Be it further enacted*, That any justice of the supreme court, chancellor, judge of probate, circuit judge, or judge of any city or criminal court of this State, may

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### MAY RECEIVE CHILDREN.

SEC. 11. *Be it further enacted,* That said institution may in its discretion receive any child placed in its care and keeping by its parent or parents, without the authority of any court, and may keep said child until it is twenty-one years of age; but this shall not be done without first making provision for the maintenance of said child, under the rules and regulations of said institution.

### EXCLUSIVE CUSTODY.

SEC. 12. *Be it further enacted,* That from the time of the lawful reception of any child into the said institution and during its stay, said institution shall have exclusive care, custody and control of said child, under such rules and regulations as the board of directors may provide.

### INSTRUCTIONS.

SEC. 13. *Be it further enacted,* That the officers of said school shall receive and take into it all children committed thereto by competent authority, or receive therein, as aforesaid, and shall cause all children in said school to be instructed in such branches of useful knowledge as may be suited to their years and capacities. The boys shall be taught such useful trades as the board may direct, and they shall be taught according to the course of the public school of the State.

### DETENTION AND KEEPING.

*Be it further enacted,* That any commitment under this act whether by judge, court or parent or other person having in charge the child, shall be full, sufficient and competent authority to the officers and agents of said school for the detention and keeping therein of the child so committed.

### CONVICT CHILDREN.

*Be it further enacted,* That provision shall be made for the care of convict children so far as the same can be done with the means at hand.

SEC. 18. *Be it further enacted,* That this act take effect from and after its passage.

Approved February 23d, 1899.

CODE OF ALABAMA, CRIMINAL, VOL. II, 1896.  
REFORMATORY, Feb. 18th, 1895, page 849.

All State convicts under sixteen years of age shall be separated and worked apart, as far as practicable, from all other convicts, at a place to be designated by the board of inspectors as a reformatory, which shall be managed under such rules as the board of inspectors may prescribe, keeping in view their moral and intellectual improvement. Such reformatory must be located on property owned by the State. When any convict confined in the reformatory shall arrive at the age of sixteen years, or shall show by his conduct that he is not benefited by his confinement in the reformatory, he may be transferred to other employment at another place in the discretion of the board of inspectors.

COUNTY CONVICTS UNDER SIXTEEN MAY BE  
SENTENCED TO REFORMATORY.

County convicts under sixteen years of age may be sentenced to a term in the reformatory provided for in this chapter, or to hard labor for the county, in the discretion of the presiding judge; and in such event the costs of conviction, not exceeding fifty dollars, shall be paid out of the convict fund as provided in cases of sentence to the penitentiary.

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LOCAL LAWS OF ALABAMA, 1898-99, page 488.

AN ACT, To provide that whipping may be the punishment for petit larceny in certain cases in the county of Mobile.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That on the conviction of any minor in the county of Mobile, under the age of fifteen, for petit larceny, instead of the punishments now provided, the judge or justice trying the case may, with the consent of the father, or the mother, if the father be dead, unknown or out of the county, or of the guardian given in open court, sentence the culprit to be whipped, such whipping not to exceed fifteen lashes. The judge or justice trying the case must specify the number of lashes, and that it must be with either a leather strap, whip

or switch. The whipping must be administered by the sheriff, or some one deputized by him, in his presence, and under his control: *Provided*, That the sheriff may deputize the parent or guardian of said minor to do said whipping.

Approved February 1st, 1899.

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CODE OF ALABAMA, 1896, VOL. I, page 231.

OFFICERS REPORT MINORS; AND PROBATE  
JUDGE BINDS OUT APPRENTICES.

SEC. 497. Sheriffs, justices of the peace, and all other civil officers of the several counties in this State must report to the probate judges of their respective counties, at any time, all minors under the age of eighteen years within their respective counties, precincts or districts, who are orphans without visible means of support, or whose parents have not the means, or who refuse to provide for and support such minors; and thereupon such probate judge must apprentice them, and all other such minors as may otherwise come to his knowledge, to some suitable competent person, on such terms as the court may prescribe, having a particular care to the interest of such minor; and such judge of probate must make a record of all the proceedings in such case, for which he shall be entitled to a compensation of one dollar, to be paid by the master.

PARENT OR PERSON HAVING CONTROL OF  
CHILD NOTIFIED.

SEC. 498. The judge of probate must notify the minor's father, or his mother if he have no father, or the person having the custody or control of such child if he have no father or mother, when such father or mother, or person having the control of such child is living in the State, of the proceedings to apprentice such minor, and the father or mother or person having control of such minor may, by proof, show his or her ability to support the minor, or that the proposed master is an unsuitable person.

**PROBATE JUDGE FIXES AGE.**

SEC. 449. When the age of the minor cannot be ascertained by record testimony, the judge of probate shall fix the same.

**MASTER APPOINTED ON FULL PROOF AND GIVES BOND.**

SEC. 500. Before an apprentice is bound to any person there must be full proof of his suitability to have the charge and care of such minor, and he must give bond, with surety, to be approved and kept by the probate judge, and in such sum as such judge may direct, and conditioned that he shall furnish such minor with sufficient food and clothing, treat him humanely, furnish him medical attention in case of sickness, teach him, or cause him to be taught, to read and write, and will conform to any law that may hereafter be passed for the regulation of the duties and relation of master and apprentice.

**DUTIES OF MASTER.**

SEC. 501. The person to whom such apprentice is bound must provide a sufficiency of good and wholesome provisions, furnish all necessary clothing, washing and lodging; treat with kindness and humanity, and instruct such apprentice in the trade, business or occupation which he pursues, have him taught to read and write; and at the expiration of his term of apprenticeship, furnish him with two complete new suits of clothing.

**MASTER MAY CHASTISE.**

SEC. 502. In the management and control of such apprentice, such master shall have the power to inflict such moderate corporeal chastisement as a father or guardian is allowed to inflict on his child or ward at common law; but in no case shall cruel or inhuman punishment be inflicted.

**EDUCATIONAL INSTITUTION FOR THE DEAF, DUMB, AND BLIND ESTABLISHED.**

SEC. 3698. There is established in this State and located at Talladega, an institution for the education of the deaf and dumb, called the Alabama Institute for the Deaf.



**OBJECT OF INSTITUTION; APPLICATION AND ADMISSION.**

The main object of such institution shall be to afford the means of education to the indigent deaf and dumb of the State. Application for admission must be made to the board of trustees, in writing, and must state the name, age, place of birth and present residence of applicant, how long he has been a resident of this State, that he is deaf and dumb, and that he and his family are unable to pay his board and tuition. The application must be sworn to by the applicant, or by some one cognizant of the facts, and filed with the board; and thereupon the board shall, if they deem the proof sufficient, cause an order to be made on the record of their proceedings, admitting such applicant, a certified copy of which shall be delivered to the applicant, his parent or guardian; and thereupon such applicant shall be admitted as a pupil of such institution for the period of time specified in the certificate.

**CLOTHING FOR INDIGENT PUPILS.**

SEC. 3705. In all cases where the parents of pupils sent to the institution are too poor to furnish them with good and sufficient clothing, or when the pupils are without parents, and are unable to furnish themselves with clothing, the judge of probate of the county from which they are sent shall certify the same to the principal of the institution, who shall procure the necessary clothing and charge the same to the county, and at the end of each scholastic year of such institution present a verified itemized account for such clothing to the court of county commissioners of the county from which such pupil is sent; and it shall be the duty of the court of county commissioners at the first term after the presentation of such account, to audit and allow the same, and direct the issuance of a warrant on the county treasurer for the payment of such allowance, which warrant shall be a preferred claim against the general fund of the county; but in the auditing and allowing of such account thirty dollars per capita for each scholastic year shall be the maximum of such allowance.

## CLOTHING FOR INDIGENT PUPILS.

SEC. 3719. The section in the preceding article, providing for the purchase of clothing for indigent pupils, is applicable to the indigent blind.

SEPARATE INSTITUTION FOR NEGRO DEAF  
MUTES AND BLIND ESTABLISHED.

SEC. 3720. There is established in this State and located at Talladega, an institution for the education of the deaf, mute and blind children of the negro race, the corporate name of which is the Alabama School for Negro Deaf Mutes and Blind.

## WHO ENTITLED TO ADMISSION

SEC. 3723. All negro deaf, mute and blind children, *bona fide* residents of this State, between the ages of ten and twenty years, if they are deemed by the board of trustees suitable persons to be admitted as pupils, are entitled to board, tuition, schoolroom expenses and medical attendance free of charge for the term of six years.

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ARKANSAS.FOR REFORMATORIES OR INDUSTRIAL  
SCHOOLS.

## STATUTES, 1894. SANDELS &amp; HILL.

SEC. 1442. An infant under twelve years of age shall not be found guilty or punished for any crime or misdemeanor.

DIGEST OF THE STATUTES OF ARKANSAS, 1894,  
page 874.

SEC. 3572. The court may also appoint a guardian or curator of the person or estate of any minor whose father may be imprisoned in the penitentiary of this State; and such guardian and curator shall have the same power and control over the person or estate of such minor as if the father were dead.

SEC. 3573. The mother of such minor shall not, by such appointment, be deprived of her rights under this chapter, and the authority of such guardian or curator to act as such shall not continue after the discharge of the father from his imprisonment, unless he consent thereto.

#### DEAF MUTES.

SEC. 3939. An institute of learning is hereby established in the State of Arkansas for the education of deaf mutes of the State, by and under the name and title of the Arkansas Deaf-Mute Institute.

#### LAWS OF ARKANSAS, page 236.

SEC. 1. That section 3946 of Sandels & Hill's Digest be amended to read as follows: Each deaf mute applying for admission as a pupil shall be between the ages of six and twenty-one years, of fair intellect, and free from any contagious disease.

SEC. 3953. Any deaf mute who may be admitted into the institute and supported as a beneficiary, at the expense of the State, shall be permitted to remain in said institute for ten years, unless in the judgment of the trustees he or she shall be sooner discharged (c) Act, February 21st, 1893.

SEC. 3965. In all cases where suitable clothing and means for defraying traveling expenses are not otherwise supplied to the pupils of said institution, the same shall be provided by the superintendent or principal thereof, who shall make out and file with the auditor of State, accounts therefor, separate in each case, against the respective counties from which such pupils are sent, in an amount not exceeding forty dollars per annum for any one pupil, which accounts shall be severally signed by the superintendent or principal, and the auditor of State shall draw his warrant on the treasurer for said amounts, which shall be paid out of any money in the treasury not otherwise appropriated: *Provided*, The amount drawn by said institution for the afore-said purposes in one year shall not exceed two thousand dollars, and each account thus certified shall be charged to the county from which the pupil named therein was sent.

NOTE.—These acts also apply to the school for the blind.

BLIND.

SEC. 4019. The institution of learning heretofore known as the "Arkansas Institute for the Education of the Blind," shall hereafter be entitled "The Arkansas School for the Blind," and all laws and parts of laws in relation to the "Arkansas Institute for the Blind" shall apply to the "Arkansas School for the Blind." Likewise, all contracts made with or by said institute, and all legacies, bequests or gifts made to it, shall be binding upon and belong to the "Arkansas School for the Blind."

SEC. 4039. All blind persons of suitable character and capacity, between the ages of six and twenty-six years, residing in the State, shall be entitled to the benefits of the institution free of charge. Pupils from without the State may be admitted to the privileges of the institution on the payment of such sum as the board may consider sufficient to defray expenses.

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ARIZONA.

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REVISED STATUTES, 1887.

PENAL CODE.

SEC. 30. All persons are capable of committing crimes except those belonging to the following classes: Children under the age of ten, in the absence of clear proof that at the time of committing the act charged against them they knew its wrongfulness.

---

ACTS OF 1889-91.

No. 94.

AN ACT, To promote the education of the deaf, dumb and blind in Arizona.

SECTION 1. There shall be connected with the University of Arizona a department for the education of the deaf, dumb and blind.

SEC. 2. Whenever application shall be made to the Board of Regents of the Territorial University for the ac-

commodation and education at the university of deaf, dumb and blind residents of the Territory, or of persons affected either with deafness, dumbness or blindness, it shall be the duty of said board of regents to make suitable provisions for the accommodation and education of said applicants according to the most approved modern system for such purposes.

SEC. 3. Expenses to be paid out of the funds provided for the maintenance of the University.

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LAWS OF 1893.

No. 81.

AN ACT, To establish a Territorial Reform School for juvenile offenders, and to provide funds therefor.

SECTION 1. There shall be established and maintained in this Territory, and located in the county of Coconino an institution to be known as the "Reform School for Juvenile Offenders," for the confinement, discipline, education, employment and reformation of juvenile offenders in the Territory of Arizona.

SEC. 14. Separate buildings and grounds for male and female inmates, and no communication to be permitted.

SEC. 15. When completed the board of trustees to receive infants between ages of eight and eighteen years.

SEC. 16. Boy or girl convicted before the court of crime to be committed to school for not less than one nor more than five years.

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CONNECTICUT.

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STATUTES OF 1888.

CHAPTER VIII.

SEC. 63. The selectmen of each town shall return to the governor on or before the first day of November, annually, the number of deaf and dumb and blind persons therein, and the age, sex and pecuniary circumstances of each.

## SPECIAL LAWS OF 1895-1897, page 1178.

(425) That forty-five thousand dollars, or as much thereof as may be necessary, be, and the same is hereby, appropriated for the support, care and education of the deaf, under contracts to be made by the governor for the two fiscal years ending September 30th, 1899, and that said sum be divided between the American and Mystic Oral Schools in proportion to the number of their respective pupils: *Provided*, That the entire amount appropriated shall not exceed two hundred dollars for each pupil.

Approved June 2d, 1897.

## GENERAL STATUTES OF 1888.

## CHAPTER CCXXV.

## STATE REFORM SCHOOL.

SEC. 3622. The land, buildings, and appurtenances belonging to the State, in Meriden, shall be and remain a place for a school for the use of the State, by the name of State Reform School.

**FOR BOYS UNDER THE AGE OF SIXTEEN YEARS,**  
page 804.

SEC. 3655. For the better protection of children between the ages of two and sixteen years, of the classes hereinafter described, to wit: waifs, strays, children in charge of overseers of the poor, children of prisoners, drunkards or paupers, and others who are or may hereafter be committed to hospitals, almshouses or workhouses, and all children within said ages deserted, neglected, cruelly treated or dependent, there shall be provided in each county one or more places of refuge, to be known as temporary homes. Said homes shall be distant not less than one-half mile from any penal or pauper institution; and no pauper or convict shall be permitted to live or labor therein; and they shall not be used as a permanent provision or residence for any child, but for its temporary protection, for so long a time only as shall be absolutely necessary for the placing

of the child in a well-selected family home. Children demented, idiotic or suffering from incurable or contagious diseases are not included in the provisions of this chapter.

#### PERSONS REMOVING CHILDREN FROM HOMES HOW PUNISHED.

SEC. 3665. Every person who shall remove or cause to be removed any child from a temporary home, or from a private home provided by the board of management of temporary homes, which child has been committed to a temporary home by a town or any court, shall be fined not less than ten nor more than thirty dollars or imprisoned not more than twenty days, or both: *Provided*, That children so committed may be withdrawn upon the authority of said board or of the selectmen so committing them.

SEC. 3638. The Connecticut Industrial School for Girls shall, so long as it remains an incorporated institution of this State and maintains a school for the benefit of children connected therewith, be a separate school district, with a territorial limit including the grounds and buildings occupied by the inmates of said institution as homes. All other territory belonging to said institution shall be part of the district to which the same territory belonged before the industrial school for girls was established.

SEC. 3647. There shall be taxed monthly in each year, by the comptroller, not to exceed two dollars and seventy-five cents per week, for the necessary expenses of each girl committed to the school, and the superintendent shall make his bill therefor and present it to the comptroller, who, upon finding the same to be just, shall allow it, and it shall be paid from the State treasury.

SEC. 2117. Upon the request of the parent or guardian of any girl between eight and sixteen years of age a warrant may be issued for her arrest in the same manner and on the same conditions as are provided in the preceding sections with respect to boys; and thereupon the same proceedings may be had, as are above provided, except that said girls may be committed to the Connecticut Industrial School for Girls.

LAWS OF CONNECTICUT, 1895, page 666.

CHILDREN NOT LESS THAN TWO YEARS OLD  
MAY BE PLACED IN COUNTY HOME AT  
EXPENSE OF TOWN.

21. Children less than two years of age may be placed by overseers of the poor in any county temporary home if its board of management shall consent to receive them, and the expense of their support shall be paid in accordance with section 3657 of the general statutes.

Approved July 4th, 1895.

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### CALIFORNIA.

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PENAL CODE, 1897, page 25.

SEC. 26. All persons are capable of committing crimes except those belonging to the following classes:

1. Children under the age of fourteen, in the absence of clear proof that at the time of committing the act charged against them they knew its wrongfulness.

2. Idiots.

3. Lunatics and insane persons.

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### SCHOOL OF REFORM.

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AN ACT, To establish a State reform school for juvenile offenders, and to make an appropriation therefor.

Approved March 11th, 1889.

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STATUTES AND AMENDMENTS TO CODE, 1893,  
page 328.

SECTION 1. There shall be established and maintained in this State, and located at Whittier, in the county of Los Angeles, an institution for the discipline, education, employment, reformation and protection of juvenile delinquents in the State of California, to be known as "The Whittier State School," and in all judicial, official, or other proceedings, and in all contracts, transfers, or other instruments in writing,



the above name shall be deemed a sufficient designation of said institution.

#### COMMITTAL.

SEC. 16. When any boy or girl between the ages of eight and eighteen years shall be found guilty by a superior court of any county in the State, and who in the opinion of such court would be a fit subject for commitment to the said school, it shall be lawful for said court to suspend judgment or sentence (except where the penalty is life imprisonment or death), and to commit such minor to the said school for a period embracing his or her minority, unless sooner discharged by law, or as in this act provided; but no minor who is under the age of eight years, or who is suffering from any contagious, infectious or other disease which would probably endanger the lives or health of the other inmates of said school, shall be committed to said school unless the judge of such court shall be fully satisfied that the mental and physical condition and qualifications of said minor are such as to render it probable that such minor will be benefited by the reformatory and educational discipline of said school. The board of trustees of said school shall have authority to make rules reducing, as the reward for good conduct, the time for which such person or persons have been committed. It shall be the duty of all courts committing any minor to such school to certify to the superintendent thereof the age of the person so committed, as nearly as can be ascertained by testimony taken under oath before such court, or in such manner as the court may direct.

#### INCORRIGIBLE OR IMPROPER SUBJECTS.

SEC. 16d. Any minor who shall, during the time of his or her commitment be found incorrigible, or who shall be in the judgment of the board of trustees of said school determined to be an improper subject for detention in said school, may be returned to the court by which said minor was committed, and upon written complaint of the said board, attested by the superintendent of said school, and filed with the original complaint, it shall be the duty of said court to enter judgment and pass such sentence as would have been lawful at

the time when the said minor was first committed to the said school.

SEC. 17. If any accusation of the commission of any crime shall be made against any minor under the age of eighteen years before any grand jury, and the charge appears to be supported by evidence sufficient to put the accused upon trial, the grand jury may, in their discretion, instead of finding an indictment against the accused, return to the superior court that it appears to them that the accused is a suitable person to be committed to the care and guardianship of said institution; the court may thereupon order such commitment if satisfied from the evidence that such commitment ought to be made, which examination may be waived by the parent or guardian of such minor.

SEC. 18. If any minor between the ages of eight and eighteen years shall be arraigned for trial in any court having competent jurisdiction, on a charge of any violation of any criminal law of this State, except for the commission of a capital offense, or an attempt to commit a capital offense, the judge may, in his discretion, with the consent of the accused, arrest at any stage of the cause any further proceedings on the part of the prosecution, and commit the accused to the care and guardianship of this institution.

SEC. 19. All minors between the ages of eight and eighteen years, who may be accused of any offense punishable by imprisonment, shall, with a view to the question whether they ought to be committed to said institution, be entitled to a private examination and trial before a court having competent jurisdiction, to which only the parties to the case and the parent or guardian of the accused and their attorneys shall be admitted, unless one of the parents, the guardian or other legal representatives of the minor demand a public trial; in such case, the proceedings shall be in the usual manner.

SEC. 28. \* \* \* In the case of minor females committed to said school, and there is no parent, guardian or other protector of such minor, who in the opinion of the court is a proper person to safely conduct such female to said school, and then in such case the court shall appoint

some suitable woman of satisfactory character and discretion who shall take the custody of such minor female after her said commitment, and shall forthwith deliver her to said school, and be entitled to the same compensation therefor as is otherwise provided to be paid to the sheriff in all cases where, if such minor were a boy and were by a sheriff delivered to said school, he, the said sheriff, would be entitled to receive compensation under the terms of this act.

SEC. 1388. Final judgment may be suspended on any conviction, charge or prosecution for misdemeanor or felony, where in the judgment of the court in which such proceeding is pending there is a reasonable ground to believe that such minor may be reformed, and that a commitment to prison would work manifest injury in the premises. Such suspension may be for as long a period as the circumstances of the case may seem to warrant, and subject to the following further provisions: During the period of such suspension, or of any extension thereof, the court or judge may, under such limitations as may seem advisable, commit such minor to the custody of the officers or managers of any strictly non-sectarian charitable corporation conducted for the purpose of reclaiming criminal minors. Such corporation, by its officers or managers, may accept the custody of such minor for a period of two months (to be further extended by the court or judge should it be deemed advisable), and should said minor be found incorrigible and incapable of reformation, he may be returned before the court for final judgment for his misdemeanor. Such charitable corporation shall accept custody of said minor aforesaid upon the distinct agreement that it and its officers shall use all reasonable means to effect the reformation of such minor and provide him with a home and instruction. No application for guardianship of such minor by any person, parent or friend shall be entertained by any court during the period of such suspension and custody, save upon recommendation of the court before which the criminal proceedings are pending first obtained. Such court may further, in its discretion, direct the payment of the expenses of the maintenance of such minor during such period of two months, not to exceed in the

aggregate the sum of \$25 (twenty-five dollars), which sum shall include board, clothing, transportation, and all other expenses, to be paid by the county where such criminal proceeding is pending, or direct action to be instituted for the recovery thereof out of the estate of said minor, or from his parents. Such court may also revoke such order of suspension at any time.

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AN ACT, For the protection of children and to prevent and punish certain wrongs to children.

#### MINOR NOT TO ENTER SALOON—PENALTY.

SECTION 1. No minor under the age of sixteen years shall be admitted at any time to, or permitted to remain in, any saloon or place of entertainment where any spirituous liquors or wine or intoxicating or malt liquors are sold, exchanged or given away, or at places of amusement known as dance-houses and concert-saloons, unless accompanied by parent or guardian. Any proprietor, keeper or manager of any such place who shall admit such minor to, or permit him or her to remain in any such place, unless accompanied by parent or guardian, shall be guilty of a misdemeanor.

#### PENALTY FOR BEGGING.

SEC. 3. Any child apparently under the age of sixteen years, that comes within any of the following descriptions named:

1. That is found begging, or receiving or gathering alms (whether actually begging or under the pretext of selling or offering for sale anything), or being in any street, road or public place for the purpose of so begging, gathering or receiving alms.
2. That is found wandering and not having any house or settled place of abode, or proper guardianship, or visible means of subsistence.
3. That is found destitute, either being an orphan, or having a vicious parent who is undergoing penal servitude or imprisonment.
4. That frequents the company of reputed thieves or prostitutes, or houses of prostitution or assignation, or

dance-houses, concert-saloons, theatres and varieties, or places specified in the first section of this act, without parent or guardian, shall be arrested and brought before a court or magistrate.

When upon examination before a court or magistrate, it shall appear that any such child has been engaged in any of the aforesaid acts, or comes within any of the aforesaid descriptions, such court or magistrate, when it shall deem it expedient for the welfare of the child, may commit such child to an orphan asylum, society for the prevention of cruelty to children, charitable or other institution, or make such other disposition thereof as now or may hereafter be provided by law in cases of vagrant, truant, disorderly, pauper or destitute children.

#### CHILD NOT TO BE CONFINED.

SEC. 4. No child under restraint or conviction, apparently under the age of sixteen years, shall be placed in any prison or place of confinement, or in any court room, or in any vehicle for transportation to any place in company with adults charged with or convicted of crime, except in the presence of a proper official.

SEC. 5. This act shall take effect immediately.

Approved March 30th, 1878; 1877-8, 812.

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#### DEERING'S CODE OF STATUTES OF CALIFORNIA, page 496.

SECTION 1. An institution is hereby created to be known as the "California Home for the Care and Training of Feeble-Minded Children."

SEC. 8. All imbecile and feeble-minded children between the ages of five and eighteen years, who have been residents of the State for one year, and who are incapable of receiving instructions in the common schools, shall be received into the home, and maintained and educated at the expense of the State; but the expenses of maintaining, supporting, clothing and of traveling shall be paid by the parents or parties sending them, if such parents or parties are able to pay them, otherwise these expenses shall be borne by the State.

SEC. 11. The object aimed at in the institution shall be such care, training and educating of those received as to render them more comfortable, happy and better fitted to care for and support themselves. To this end the trustees shall furnish them such agricultural and mechanical education as they may be capable of receiving, and as the facilities offered by the State will allow, including farm work, shops, and the employment of trade teachers, who may at any time be discharged for cause.

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POLITICAL CODE, 1897, page 451.

SEC. 2237. The deaf, dumb and blind asylum located in Alameda county, has for its object the education of the deaf, dumb and blind.

SEC. 2238. Every deaf, dumb, or blind person, resident of this State, of suitable age and capacity, is entitled to an education in this asylum free of charge.

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COLORADO.

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MILL'S ANNOTATED STATUTES, 1891, page 438.

POOR CHILDREN CHARGEABLE TO THE COUNTY,  
BEGGARS, ETC., MAY BE BOUND.

SEC. 131. When any poor child is, or may be, chargeable to the county, or shall beg for alms, or whose parents are or may be chargeable to the county, or beg for alms, or when the parents of such children (child) are poor and the father an habitual drunkard, or if there be no father, when the mother is of bad character, or suffers her children to grow up in habits of idleness, without any visible means of obtaining an honest livelihood, it shall be lawful for the superintendent of the poor of the county wherein such child resides, who for this purpose shall be considered ex-officio guardian of such child, to bind such child under the order and direction of the county court of such county in like manner and with like effect as is provided in section five of this act for the binding of orphan minors by their guardians.



### WHAT INDENTURE SHALL CONTAIN.

SEC. 402. Whenever any child shall be bound out by the county superintendent of the poor of any county the indenture shall contain an agreement on the part of the person to whom such child shall be bound, that he will provide for such child in sickness and in health, with food and clothing and necessary medical attendance, and cause such child to be instructed to read and write, and in the common English branches of education, either in the public or other school in which the same branches are taught, at least three months in each and every year. All such indentures shall be executed in duplicate, one of which, delivered to the county superintendent of the poor, shall be by him deposited in the office of the county clerk and recorder of the county for safe keeping.

### ADOPTION OF INDIGENT ORPHANS—POWER OF BOARD TO CANCEL.

SEC. 406. The said county commissioner (and superintendent of the poor) shall have the same power and discretion to consent to the adoption of any orphan child who may have become a county charge, as the guardian or parent might have under any former law of this State; and said commissioners shall exercise the same care in ascertaining the character and capacity of the person proposing to adopt, as of a person proposing to take a child by binding; and shall have power to cancel any contract of adoption in case it shall appear that the same is abused to the injury of the child thereby adopted.

### INSTITUTE LOCATED AT COLORADO SPRINGS.

SEC. 3249. There shall be permanently maintained at the city of Colorado Springs, in the county of El Paso, an institution for the support and education of the mute and blind residing within the State of Colorado.

### ADMISSION OF PUPILS—SUPPORT—COUNTY SUPERINTENDENT OF SCHOOLS.

SEC. 3253. Every blind or deaf mute citizen of the State over four and under twenty-two years of age shall be entitled to receive an education in said institute at the expense of the

State. All applicants above the age of twenty-two years may be admitted at the option of the board: *Provided*, That the mute and the blind, whose parents are able, shall pay into the treasury of said institute a reasonable sum quarterly for the right to the privileges of the domestic department thereof; said sum to be determined by the board of trustees. Each county superintendent of common schools shall report on the first day of June in each year, to the president of the board of trustees of the institution for the education of the mute and blind, the name, age, and post-office address of every blind and deaf and dumb person of suitable age for admission to said institute residing in his county, including all such persons as may be too deaf to acquire an education in the common school.

#### COUNTIES SHALL PAY EXPENSES OF POOR INMATES.

SEC. 3272. In all cases where persons sent to the institute for the education of the mute and blind are too poor to furnish themselves with sufficient clothing and pay the expenses of transportation to and from the institute, the judge of the county court of the county where such person resides, upon the application of any relative, or friend of such person, or of any officer of his town, or county, may, if he shall deem such person proper subject for the care of said institute, make an order to that effect, which shall be certified by the clerk of the court to the superintendent of said institute, who shall then provide the necessary clothing and transportation, at the expense of the county, and upon his rendering his proper accounts therefor, semi-annually; the county board shall allow and pay the same out of the county treasury.

#### AN ORPHANS' HOME MAINTAINED AT DENVER— PROVISO.

SEC. 3331. There shall be permanently maintained at the city of Denver, in the county of Arapahoe, a home for the support and care of orphans, half-orphans, foundlings and destitute children resident within the State of Colorado: *Provided*, That a donation shall be made by the Colorado State



Women's Hospital, a corporation duly chartered under the laws of the State of Colorado, of a site of said home.

EVERY ORPHAN ENTITLED TO BE RECEIVED—  
PROVISO.

SEC. 334I. Every orphan, half-orphan, foundling or destitute child under five years of age shall be entitled to be received in said home at the expense of the State; all applicants above the age of five years may be admitted at the option of the board: *Provided*, That the applicant whose parent is able to pay into the treasury of said home a reasonable sum quarterly for the right to the privileges of the domestic department thereof, said sum to be determined by the board of trustees.

COURT APPOINT GUARDIAN.

SEC. 412c. The county court of any county, when it appears that a minor under the age of fourteen years, resident therein, is without a guardian, and is entirely abandoned, or is treated with gross and habitual cruelty by the parents of such child, or one of them, or by any other person or persons having the care and custody of such child, or is illegally deprived of liberty, may appoint as his guardian the Colorado Humane Society for such period as seems to the court fit; and said society shall thereupon become entitled to the custody of such child to the exclusion of any other person, but shall not be entitled to his or her property. The court may at any time, for good cause, revoke such appointment. Nothing in this section contained shall be construed to oblige said society to receive the custody of any child, except when said society is appointed guardian upon its own application or that of its authorized agent.

STATE HOME.

SEC. 422a. There shall be established in or near Denver, in this State, and maintained by the State, an institution which shall be known as the "State Home," and it shall be a home for the children of sound mind and body under sixteen years of age who are dependent on the public for support.

This institution was established as a result of a quickened public conscience upon the subject of the waifs of the State, a comprehensive understanding of the relation of the State to the child and the demonstrated effect of such institutions in decreasing crime.

#### OBJECT OF HOME—CHILDREN—GUARDIAN.

SEC. 422*e*. The object of this act is to provide a temporary home for dependent and neglected children in said home, where they shall be retained only until they can be placed in family homes: *Provided*, That in the discretion of the board the child may be retained, as long as its best interests may require, in said home. There shall be received into said home those children who have been declared to be dependent on the public for support, as herein provided, and they shall be retained therein until they are sixteen years of age, unless they shall before that age be sent out, as herein provided. The said board may, in their discretion, retain any children in said home after they shall become sixteen years of age, when they shall deem such course for the best interest of such children. The said board is hereby made the legal guardians of the persons and estates of all children admitted to said home pursuant to law, which guardianship shall continue during the minority of such children, except in the cases where, under this act, the guardianship may be cancelled by resolution adopted by said board.

#### PLACE CHILDREN IN HOME—CONTRACT.

SEC. 422*f*. The said board are authorized, and it shall be the duty of said board of control, to use special diligence in placing the children admitted to said home in suitable family homes which shall be approved as herein provided, on written contracts to remain until they are twenty-one years of age, or in the discretion of said board until they are eighteen years of age. Such contract shall provide for the education of the children in the public schools where they reside at least six months in each year; for teaching them some useful occupation; for kind and proper treatment as members of the families where placed, and for the payment on the termina-

tion of the contract to said board, for the use and benefit of said children, such sum of money as shall be named in the contract: *Provided, however,* That in the discretion of said board, in the case of children not on indenture and over sixteen years of age, such contract may provide only for wages to be paid to the child or to said board for the benefit of the child and for its kind and proper treatment. Every such contract shall contain a clause reserving the right to said board to cancel the same whenever they may deem that the interests of the child require it, and may also contain a clause authorizing the person taking the child to cancel the same at any time, within sixty days from the date of the contract, on returning the child to the home free of expense to said home. All moneys earned by said child or received from an indenture contract shall be turned over to said child when, for any reason, the guardianship of the board shall cease.

#### STATE AGENT—DUTIES.

SEC. 422*i*. The State board are (is) authorized to designate some officer, teacher or other employé of said home to be the agent thereof, who shall be known as the agent of the State home, and who shall act in that capacity during the pleasure of said board. His duties as such agent shall be prescribed by said board, and shall include visiting at such times as said board shall direct, said children in families on indenture, and reporting to said board the condition of such children, and any failure to comply with the terms of the indenture contracts. It shall also be the duty of said agent to find suitable homes for the children of said home, to investigate the condition of the homes of applicants for children, and to enter into contracts in writing, when so authorized by said board on behalf of said board with the persons taking such children. The bills for salary and necessary traveling expenses of said agent shall be first sworn to by said agent and examined and allowed by said board, as in this act provided, and shall then be audited by the State auditor and paid from the general fund.

## BOARD SUPERVISE CHILDREN IN HOMES.

SEC. 4220. It shall be the duty of said board to obtain information as often as practicable from all the children placed in families from this home, and to secure as far as possible the education and good treatment of such children and the full performance of indenture contracts. It shall be the duty of said board to procure written reports concerning such children, at least once in each three months, one of which shall be from the person to whom the child is indentured; one from the agent of said home, or from the county commissioners of the county where the child resides, or the agent of the State board of charities and correction, or from the board of county visitors, the superintendent of said home to notify the officer he desires to visit the child and make the report. If it shall appear to said board by such report, or from any other source, that the child visited is neglected or ill-treated, or is not being educated by the person with whom it is placed, or that the person having such child is unfit to have the care thereof, the said board, or the superintendent of said home who may be authorized to do so by the said board, shall cancel the contract and cause the child to be returned to said home or removed directly into some other home; and notice thereof shall be given to the county commissioners of the county from which it came.

## STATE INDUSTRIAL SCHOOL—JUVENILE CONVICTS SENTENCED TO SCHOOL—TERM DISCHARGE.

SEC. 2176. When any boy under the age of sixteen years and over the age of ten years shall be convicted of any offense known to the laws of this State, and punishable by fine or imprisonment, or both, except such as may be punishable by death or imprisonment for life, the court before whom such conviction shall be had may at its discretion sentence such boy to the State industrial school or to such punishment as is now or may hereafter be prescribed by law for the same offense. All commitments to the State Industrial School shall be for the term of the boy's minority, unless he shall sooner be

discharged by the board of control, as hereinafter provided, and whenever any boy shall be discharged therefrom as reformed or as having arrived at the age of twenty-one years, such discharge shall be a full and complete release from all penalties and disabilities which may have been created by such sentence. The district and county courts and the judges thereof in their respective counties shall have exclusive original jurisdiction to try all cases arising under the provisions of this act. All such cases shall be summarily tried before the court or the judge of the court, and without the intervention of a jury, unless a jury shall be demanded. Cases arising under this act may be instituted upon the sworn complaint of the district attorney or his deputy, or any credible person. No boy after sentence shall be confined in any county or city jail, but the officer to whom the writ of commitment shall be delivered shall at once convey such boy to the State Industrial School.

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SESSION LAWS OF COLORADO, page 68.

AN ACT, Establishing the State Industrial School for Girls and to repeal an act entitled "An Act establishing a State Home and Industrial School for Girls."

SECTION 1. That there is hereby established at or near Denver, Colorado, "The State Industrial School for Girls."

INMATES UNDER DIRECTION BOARD OF  
CONTROL.

SEC. 11. Each and every girl who shall be legally committed to said school, as provided in this act, shall be clothed, fed, disciplined, instructed, employed and governed under the direction of the board of control of said school, until she either be reformed and discharged, according to the rules to be adopted by said board of control, or until she shall have arrived at the age of twenty-one years.

SEC. 13. It shall be the duty of said board of control to prepare and adopt, from time to time, rules and regulations for said institution, for the government of the inmates of the same, looking to their moral, physical, intellectual, social and industrial training. Domestic industries shall take

precedence of trades, and there shall be a thorough education in every branch of household work.

SEC. 15. The board of control shall, under a system of marks, or otherwise, fix upon a uniform plan under which it shall determine what number of marks or credits shall be earned by each girl sentenced under the provisions of this act, as the condition of increased privileges, or of release from its control, which system shall be subject to revision from time to time. Each girl sentenced to said school shall be credited for good personal demeanor, diligence in labor and study, and for results accomplished, and be charged for dereliction, negligence and offenses.

SEC. 18. It shall be lawful for said board of control to place in the care of any resident of this State, who is the head of a family and of good moral character, any of the said girls in said school, on such conditions and with such stipulation as the board may establish.

SEC. 29. It shall be lawful for the board of control whenever in its discretion it may deem one of the girls detained in said institution to have become so far reformed as to justify her discharge, to liberate such girl, or to bind her, by articles of indenture for that purpose to be entered into, to any suitable person who will engage to instruct and educate such girl in a proper manner according to the terms of said indenture: *Provided*, Said girl shall be placed at school at least three months in each year; any girl who is placed in the care of any person, as above provided, having remained with said person and faithfully performed the duties required of her by said board, for said two years, or until she shall have arrived at the age of twenty-one years, shall be entitled to receive from the funds of said institution one hundred dollars; and all girls upon receiving their final discharge from said school shall receive the sum of fifty dollars.

SEC. 31. When any girl under the age of eighteen years and over the age of six years shall be convicted of any offense known to the laws of this State, and punishable by fine or imprisonment, or both, except such as may be punishable by death or imprisonment for life, the court before whom such conviction shall be had, may, at its discretion, sentence



such girl to the State Industrial School for Girls, or to such punishment as is now, or may hereafter be, prescribed by law for the same offense. All commitments to the State Home and Industrial School for Girls shall be for the term of the girl's minority, unless she shall be sooner discharged by law or the board of control, as hereinafter provided, and whenever any girl shall be discharged therefrom as reformed, or as having arrived at the age of twenty-one years, such discharge shall be a full and complete release from all penalties and disabilities which may have been created by such sentence.

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## DELAWARE.

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REVISED CODE, AS AMENDED, 1893, page 356.

### CHAPTER XLV.

AN ACT, To incorporate the Ferris Reform School.

(By Chap. 546, Vol. XVIII, name changed to Ferris Industrial School.)

SECTION 1. That Caleb Harlan, M. D., John H. Adams, \* \* \* Edward Betts, \* \* \* Henry Du Pont, \* \* \* Zeba Ferris, Henry Ferris, \* \* \* Samuel W. Pusy, \* \* \* Joseph H. Watson, and all who shall contribute to the support of the said corporation, as herein provided, be and they are hereby incorporated and made a body politic in law, and under the name and title of the Ferris Reform School, and by that name shall have succession for the period of twenty years, and they shall be and are hereby made able and capable in law, to have, to be, purchase, receive, possess, and retain to them and their successors, for the use and lawful objects of the corporation, any estate real or personal (provided that the annual income of the entire estate held shall not exceed \$15,000), and the same to sell, grant, devise, alien or dispose of, to make contracts relative to the objects of this corporation, to sue and be sued, implead and be impleaded, etc.

SEC. 4. The said board of managers shall provide a suitable building \* \* \* to be located in New Castle county

\* \* \* and shall establish such \* \* \* regulations relative to the religious and moral education, training, etc.,  
\* \* \* as they may deem expedient and proper. \* \* \*

Passed at Dover, March 10th, 1885.

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LAWS OF DELAWARE, REVISED CODE, 1893, page  
316.

CHAPTER DCXXXVIII.

AN ACT, In relation to St. Joseph's Society for Colored  
Missions of Wilmington.

SECTION 1. Upon complaint being made to the judge of the municipal court of Wilmington, or to any justice of the peace in New Castle county, that any colored boy, under the age of twelve years, is an orphan or has been abandoned by his parents, so that he is uncared for, it may be lawful for such judge or justice of the peace to have any such boy brought before him for examination, and if he shall find from the evidence taken in such examination that such boy does not receive proper care, he may in his discretion commit such boy to the care and guardianship of St. Joseph's Society for Colored Missions of Wilmington, for and during the term of his minority. Any such commitment shall have accompanying it a copy of all the evidence taken during any such examination, and the judge or justice of the peace so committing any such boy shall file a copy of the evidence taken among the records of his court.

REFORM SCHOOLS.

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SEC. 5. It shall be lawful for the said board, in their discretion, to receive into the said the Ferris Reform School minors, residents of New Castle county, when committed to their custody in the following modes:

First. When committed by the municipal court of the city of Wilmington, or any justice of the peace of New



Castle county, on complaint and due proof made to the said court or justice by a parent, guardian or next friend of such minor, that, by reason of incorrigible or vicious conduct, he cannot control such minor, and from regard to his morals and future welfare it is requisite that he should be placed under the guardianship of the managers of the Ferris Reform School.

Second. When committed by the authorities aforesaid, upon complaint and due proof that such minor is a proper object for the guardianship of the said managers in consequence of vagrancy, or of incorrigible or vicious conduct, and that from moral depravity or otherwise of a parent, guardian, or person in whose custody such minor may be, such parent, guardian, or other person having custody of the minor is incapable or unwilling to exercise the proper care and discipline over him.

Third. Males not over sixteen nor under nine years of age, committed to the custody of the said board by the court of general sessions of the peace and jail delivery for New Castle county, the municipal court for the city of Wilmington, or any justice of the peace in said county, upon conviction of vagrancy or other criminal offense, before them, or upon the acquittal of such minor, if the court or magistrate, upon the testimony, shall consider him a proper object for the said school. And it shall not be in the discretion of the said board to reject any such minor committed to their custody on conviction of a criminal offense, excepting the offenses of homicide, arson and rape; and any such minor against whom such a crime, other than murder, arson or rape is charged before a grand jury, if the charge is supported by sufficient evidence to put him on trial, may, on the recommendation of the grand jury, and without presenting an indictment, be committed by the court to the said school. The board shall have power to place the minors committed to their custody at such employments and cause them to be instructed in such branches of useful knowledge as may be suitable to their years and capacities; and they shall have power, in their discretion, to bind out the said minors, with their consent, as apprentices, during their minority, to such

persons and at such places, to learn such proper trades and employments as in the judgment of the said board will be most conducive to the reformation and amendment and will tend to the future benefit and advantage of such minors. And the court or justice of the peace shall endorse on the writ by which any minor is committed to the custody of the said board the names and residences of the witnesses examined and of any complaint in the case.

VOL. XIX. CHAPTER DCXXXVII.

THE DELAWARE SCHOOL FOR GIRLS.

SEC. 3. A parent or guardian of any girl between the ages of twelve and twenty-one years, or the municipal officers, or any three respectable inhabitants of any city or town where she may be found, may complain in writing to the judge of the municipal court, or to any justice of the peace in the county, alleging that she is leading an idle and vicious life, or has been found in circumstances of manifest danger of falling into habits of vice or immorality, and request that she may be committed to the guardianship of "The Delaware Industrial School," the judge or justice shall appoint a time and place of hearing and order notice thereof to any person, entitled to be heard, and at such time and place may examine into the truth of the allegations of such complaint, and if satisfactory evidence thereof is adduced, and it appears that the welfare of such girl requires it, he may, with the assent thereto of the said corporation or their duly authorized agents, order her to be committed to the custody and guardianship of the officers of said school during her minority or for any specified term, unless discharged by process of law.

SEC. 4. A parent or guardian, upon complaint and hearing as aforesaid and certificate of any judge or justice as aforesaid, that the girl of the age herein limited is a proper subject to be committed to said school, may, with the assent thereto of the said corporation, or their duly authorized agents thereof, for a term to be agreed upon by the parent or guardian and the duly authorized agents of said corporation, upon a condition that the parent or guardian shall pay her expenses at a reasonable uniform rate to be fixed by said

corporation, and the said corporation shall have power to enforce such agreement.

SEC. 5. On complaint of the judge of the municipal court, any justice of the peace, or judge of any court of competent jurisdiction, that any girl of the age herein limited has been guilty of an offense punishable by fine or imprisonment other than imprisonment for life, such judges or justice may so far examine into the case as to satisfy himself whether she is a suitable subject for commitment to said school; and if he so decides, he may thereupon suspend the case, and with the consent thereto of the corporation or its duly authorized agents order her to be committed to the guardianship of said school for any term that he may deem proper.

SEC. 6. The officers of said school shall cause the girls under their charge to be instructed in the branches of useful knowledge adapted to their age and capacity, and in household employments, needle-work, and such other modes of industry as may be suited to their sex, age, strength and disposition, and as may be best adapted to secure their improvement and future welfare, and in securing homes when necessary. The said corporation shall have regard to the character of those to whom they are entrusted, that they may secure to the girls the benefit of good example, wholesome instruction, improvement in virtue and knowledge and the opportunity to become intelligent, moral and useful members of society.

## LAWS OF DELAWARE.

### VOL. XII, CHAPTER LIII.

AN ACT, To provide for the idiotic children of the State of Delaware.

SECTION 1. That the associate judges of the superior court shall be trustees for the indigent, imbecile children of the State, and application may be made to them for the admission of any such children into the Pennsylvania Training School for Feeble-Minded Children, near Media, Delaware county, Pennsylvania.

VOL. XIX, CHAPTER DCXCXXXVIII.

Joint resolution relating to the indigent blind, deaf, dumb and idiotic.

WHEREAS, The laws of this State provide for the maintenance and instruction of the indigent blind and the indigent deaf and dumb and the idiotic children of this State in institutions outside of the State;

AND WHEREAS, Under and by virtue of this authority there are in four different institutions beneficiaries of the State;

AND WHEREAS, It is deemed proper that some one should be specially designated to look after the welfare of the beneficiaries, to ascertain as to whether or not they are receiving proper treatment and instruction and are making such improvement or advancement as will justify the State in incurring the necessary expense attached to their remaining in such institutions; therefore,

*Resolved*, That the president of the board of trustees of the State Hospital at Farnhurst be, and he is hereby, authorized and it is hereby made his duty to visit such institutions in which our indigent are instructed, during the months of April and October in each and every year, and make a detailed report in writing annually to the governor.

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LAWS OF DELAWARE.

VOL. XV, CHAPTER LVIII.

AN ACT, For the benefit of the indigent deaf and dumb and indigent blind.

SECTION 1. That the judges of the superior court shall be *ex-officio* trustees for the indigent deaf and dumb and for the indigent blind persons of the State, to whom application may be made for the admission of any such persons into any institution (or to place any such person with private instructor or instructors in what is known as the oral method) for the instruction of the deaf and dumb, or for the instruction of the blind, that may be selected and named by the said trustees.



SEC. 3. That the governor is hereby authorized and empowered to draw his warrant on the trustees of the school fund in favor of the president or treasurer of any institution wherein such pupils may be, for the board and tuition of each indigent pupil of this State: *Provided*, That the amount paid for each of said pupils shall not be greater than that sum paid by the State of Pennsylvania for each indigent pupil of that State who is taught in a Pennsylvania institution for the instruction of the deaf and dumb or in the Pennsylvania institution for the instruction of the blind: *And provided further*, That no indigent pupil from this State shall be maintained as a beneficiary in any such institution for a longer period than five years, except as hereinafter provided.

#### LAWS OF DELAWARE.

#### VOL. XVII, CHAPTER CCX.

SECTION 1. That it shall be lawful for the court of general sessions of the peace and jail delivery, of any county in this State, to commit to the care, custody and guardianship of the House of Refuge in the City of Philadelphia and State of Pennsylvania any child or children, under the age of sixteen years, who may be convicted in any of the said courts of any offense except homicide or arson, to be educated, trained and treated in the same manner as the children who have been or may be committed to the said House of Refuge from the State of Pennsylvania, and whenever, in the judgment of the managers of the said House of Refuge, any child who has been committed from this State shall have become sufficiently improved and reformed, the said managers shall have authority to place the said child as an apprentice, to learn some useful trade or employment, in any State in which the said managers are now or may be authorized to place the children committed to their care by the laws of the State of Pennsylvania, or to return said child to its parents or guardian.

SEC. 2. That it shall be lawful for the resident associate judge of the superior court in any county of this State, on complaint made by the parent or guardian of any child or

children under sixteen years of age that such child or children is or are disobedient and uncontrollable, to commit such child or children to the said House of Refuge to be educated, trained and treated, and to be indentured or discharged in the same manner as is provided in the first section of this act.

#### CHAPTER LXXIX.

SEC. 2. \* \* \* And any two justices of the peace acting together, in either county, shall have power to bind any minor who has no parent residing in this State, and who has not property sufficient for his maintenance; and also any minor who has not parents able to maintain and bring him up to industry and suitable employment. Also any two trustees of the poor shall have power to bind any minor in the almshouse.

#### LAWS OF DELAWARE, 1895.

#### CHAPTER CXXIX.

SECTION 1. In any case in which a person is convicted before any court in this State of larceny or false pretences or any other offense not capital and no previous conviction is proven against him, if it appears to the court before whom he is convicted that, regard being had to the youth, character and antecedents of the offender, to the nature of the offense, and to any extenuating circumstances under which the offense was committed, it is expedient that the offender be released on probation of good conduct, the court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a recognizance, with or without sureties and during such period when called upon, and in the meantime to keep the peace and be of good behavior; and the court may, if it thinks proper, direct that the offender shall pay the costs of the prosecution, or some portion of the same, within such period and in such installments as may be directed by the court and at any time within such period, but not afterwards, the court may, upon being satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, issue

process for his apprehension and thereupon, without any further proceedings, impose sentence upon him.

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FLORIDA.

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REVISED STATUTES OF FLORIDA, 1892.

CHAPTER III.

INSTITUTE FOR BLIND, DEAF AND DUMB—  
BOARD OF MANAGERS.

SEC. 270. The members of the State board of education are the trustees of the institute hereinafter specified under the name of the Board of Managers of the Florida Institute for the Blind, Deaf and Dumb.

LOCATION.

SEC. 271. Said institute shall remain in its present location near St. Augustine, in St. John's county, and shall be an asylum for the indigent blind and deaf and dumb in this State.

WHO TO BE EDUCATED AND MAINTAINED.

SEC. 272. Said board of managers shall provide for the education, care and maintenance of said asylum of all persons residing in this State between the ages of six and twenty-one years, who may be blind or deaf and dumb, and who are not able to educate and maintain themselves, but any person who may be blind or deaf and dumb, but who may have sufficient means to educate himself, shall be received and cared for in said institution, and enjoy the advantages thereof, by paying such an amount per annum as may be necessary to cover the actual cost of his education and support.

IN WHAT CASES.

SEC. 2115. The county judges may bind out minor children as apprentices as follows:

1. Every poor orphan who has not estate sufficient for his maintenance out of its profits.

2. Every minor whose father has died insolvent, and whose mother is unable to provide properly for such child.

3. Every child under the age of sixteen years, having been in charge of a parent who has been adjudged a vagrant.

4. Every minor who has been adjudged a vagrant.

5. Every child under the age of sixteen years whom the father has abandoned, and for whom he fails to provide support, but no such child shall be bound out without the consent of the mother, or unless she be unable to neglect to provide for its support and maintenance.

6. Every child under the age of sixteen years whose father has been placed upon the pauper list of the county, and the board of county commissioners shall in such cases notify the county judge when such pauper has children who are subject to the provisions of this section.

## ARTICLE XVI.

### VAGRANTS AND TRAMPS—COMMITMENT.

SEC. 2642. Rogues and vagabonds, \* \* \* stubborn children and runaways, \* \* \* who neglect their calling or employment, misspend what they can earn and do not provide for themselves or for the support of their families, and all other idle and disorderly persons, including therein those persons who neglect all lawful business and habitually misspend their time by frequenting houses of ill-fame, gaming houses, or tippling shops, may be committed for a term not exceeding six months to the county jail.

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## GEORGIA.

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### CODE OF THE STATE OF GEORGIA, 1895.

#### VOL. I, CHAPTER II.

#### ACADEMY FOR THE BLIND. LOCATION, ETC.

SEC. 1304 (1212). An institution for the education of the blind is located at Macon under the control of seven trustees already appointed.



### EDUCATION OF INDIGENT BLIND.

SEC. 1307 (1213). All indigent blind persons between the ages of seven and twenty-five years, who shall have given satisfactory evidence of having been a resident of this State for at least two years prior to his or her application, shall be selected by the trustees from the different counties of this State, received into the Academy, and supported and educated gratuitously to the extent the funds will permit.

### CHAPTER III.

#### ACADEMY FOR THE DEAF AND DUMB—DEAF MUTES, HOW EDUCATED AND CLOTHED.

SEC. 1326. All deaf and dumb children shall be educated free of charge; but it shall be the duty of the parents or guardians of such deaf and dumb children to furnish them with the necessary clothing during the time said child may remain in the institution, unless the parents or guardians of such child or children are wholly unable to furnish clothing; then the ordinary of the county from which the child or children are sent will certify that fact to the board under his hand and seal of office, naming the child or children in said certificate, as well as the name of the parents, guardian, or other persons having charge of them; certifying that the parents or guardians are wholly unable to furnish their clothing; then, and in that case, the institution will furnish the necessary clothing, and will also furnish shoes for all without distinction.

#### WHO MAY BE EDUCATED AND HOW LONG.

SEC. 1330 (1235d). All deaf and dumb persons in the State of Georgia, between the ages of ten and twenty-seven years, who are in a condition, mentally and physically, to receive instruction, shall be entitled to all the benefits of said institution for a period of seven years, and the board of trustees shall have authority, upon recommendation of the principal, to allow an additional term of three years to such pupils as have exhibited a commendable energy and a mental capacity to be benefited, and the conferring of this privilege

to be conditional upon good behavior and diligent application.

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GEORGIA LAWS, 1896.

No. 118.

SECTION 1. *Be it enacted by the General Assembly of Georgia*, That from and after the passage of this act all persons in the State between the ages of seven and twenty-five years, who are too deaf to be educated in the common schools, and who are otherwise in a condition mentally and physically to receive instruction profitably, and free from any immoral conduct or contagious diseases, shall be entitled to admission as pupils to all the privileges of the respective departments of the Georgia School for the Deaf, free of cost, to remain such a number of school terms or portions thereof as the board of trustees, upon recommendation by the principal, shall see proper to grant: *Provided*, No pupil shall be allowed to remain more than twelve terms.

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CODE OF THE STATE OF GEORGIA, 1895.

VOL. II, SECTION 5.

CHARITABLE INSTITUTIONS FOR CUSTODY OF  
CHILDREN—DESTITUTE CHILDREN, HOW  
COMMITTED.

SEC. 2377. Whenever any girl under the age of fourteen, or any boy under the age of ten years, shall be found by any policeman or other officer of the county in which any such institution devoted to the relief or care of children is located, in any street, highway, or public place in said county, or any city therein, in circumstances of destitution and suffering, or abandonment, exposure or neglect, or of beggary, or in any house of ill-fame, it shall be the duty of any such policeman or other officer to bring such child before the mayor, recorder, or other judicial officer in said county, or any city therein, for examination as to the cause of such suffering, exposure, or neglect; whenever any such child is so brought before the mayor, recorder or other

magistrate, and it shall be proved to the satisfaction of such mayor or other judicial officer, by competent testimony, that, by reason of the neglect, habitual drunkenness or other vicious habits of the parents or lawful guardians, or the person having the custody of such child, it is a proper object for the care and instruction of such institution located in such county, such mayor, recorder, or other magistrate, instead of committing such child to the almshouse, or such other place, if any, as may have been provided by the city or county authorities of such county, may, in his discretion, by warrant in writing under his hand, commit such child to such institution, to be and remain under the guardianship of its managers until therefrom discharged in the manner prescribed by law.

CODE OF THE STATE OF GEORGIA, 1895.

VOL. III, ARTICLE II.

INFANT UNDER THE AGE OF TEN YEARS.

SEC. 34 (4295). An infant under the age of ten years, whose tender age renders it improbable that he should be impressed with a proper sense of moral obligation, or be possessed of sufficient capacity deliberately to have committed the offense, shall not be considered or found guilty of any crime or misdemeanor.

REFORMATORY PRISONS.

ARTICLE I.

WHEN COUNTY MAY ESTABLISH.

SEC. 1192. Whenever the grand jury of a county having a population of thirty thousand shall recommend the establishment of a reformatory prison for misdemeanor convicts under sixteen years of age belonging to said county, the ordinary of such county shall call an election to decide whether the prison shall be established.

THE PURPOSE OF THE PRISON.

SEC. 1194. The purpose of the prison is the confinement, punishment, humane treatment, protection and refor-



mation of misdemeanor convicts under sixteen years of age; and as far as possible, it shall be made self-sustaining by the profitable employment of its inmates. Every means possible shall be used to reform the inmates. The best influences possible shall be thrown around them. They shall be encouraged to self-respect, and every effort shall be made to build up within them qualities of character and good citizenship.

#### VERDICT AND SENTENCE OF JUVENILES.

SEC. 1201. All misdemeanor convicts under the age of sixteen years, convicted in any of the courts of the county, shall be sentenced to the reformatory prison, with direction that they be therein confined and punished, and the jury shall in their verdict find the age of the defendant.

#### INMATES TO BE KEPT AT WORK.

SEC. 1202. The superintendent shall keep the inmates constantly at work during week days, allowing the proper time for rest and meals. The kind of work, and the number of hours to be worked each day, shall be prescribed by said county authorities, but the age, sex and physical condition of the inmates shall be considered.

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#### INDIAN TERRITORY.

##### INDIAN TERRITORY STATUTES, 1899.

841 (M. D., 1498). An infant under twelve years of age shall not be found guilty of any crime or misdemeanor. (S. & H., 1442; G. D., 1230.)

The common law presumption that one between the ages of twelve and fourteen years is incapable of discerning good from evil, until the contrary be affirmatively shown, still prevails. *Dove v. State*, 37 Ark., 261. See *Allen v. U. S.*, 150 U. S., 551; 14 Sup. Ct., 196.

843 (M. D., 1500). Any person counseling, advising or encouraging an infant under the age of twelve years, a lunatic or idiot, to commit any offense, shall be punished for

such offense, when committed, as principal, in the same manner and to the same extent as if he had committed the offense directly, and without the intervention of such infant, lunatic or idiot. (S. & H., 1444; G. D., 1232.)

1218 (M. D., 1875). If such vagrant be a minor, the justice shall commit him to jail, unless he enter the recognizance, with good and sufficient security, to appear at the next term of the circuit court, and on the appearance of such minor, it shall be the duty of the court to bind him apprentice to some useful trade or occupation until he arrives at the age of twenty-one years, and such vagrant minor shall in all respects be subject to the laws regulating apprentices. (S. & H., 1920; G. D., 1606.)

4629 (R. S., 5548). Whenever any person is convicted of any offense against the United States which is punishable by fine and imprisonment, or by either, the court by which the sentence is passed may order the sentence to be executed in any house of correction or house of reformation for juvenile delinquents within the State or district where such court is held, the use of which is authorized by the legislature of the State for such purpose. See 4702-4709.

4630 (R. S., 5549). Juvenile offenders against the laws of the United States being under the age of sixteen years, and who may hereafter be convicted of crime, the punishment whereof is imprisonment, shall be confined during the term of sentence in some house of refuge, to be designated by the attorney-general and shall be transported and delivered to the warden or keeper of such house of refuge by the marshal of the district where such conviction has occurred; or if such conviction be had in the District of Columbia, then the transportation and delivery shall be by the warden of the jail of that district, and the reasonable actual expense of the transportation, necessary subsistence and hire, and transportation of assistants, and the marshal or warden only, shall be paid by the attorney-general out of the judiciary fund.

## IDAHO.

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### SESSION LAWS OF IDAHO, 1899.

#### REFORM SCHOOL.

AN ACT, To establish a State reform school at Mountain Home, in the county of Elmore, and to create a board of trustees for the management thereof.

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#### REFORM SCHOOL.

AN ACT, To repeal an act entitled "An act to establish a reform school at Mountain Home, in the county of Elmore, and to create a board of trustees for the management thereof." Approved March 6th, 1893.

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### REVISED STATUTES OF IDAHO, 1887.

SEC. 6330. All persons are capable of committing crimes except those belonging to the following classes:

1. Children under the age of fourteen years, in the absence of clear proof that at the time of committing the act charged against them they knew its wrongfulness.

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## IOWA.

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### CODE OF IOWA, 1897.

#### HOUSE OF REFUGE—WORKHOUSE.

SEC. 734. Cities shall have power to establish and maintain, either within their limits or within the county in which they are situated, a house of refuge, or a house of correction and a workhouse, or either of them, and place the same under the management and control of such doctors, superintendents and other officers as the council may by ordinance provide. Persons sentenced for violation of any ordinance, if children under sixteen years of age, may be committed to the city house of refuge, if there be one; if over sixteen years of age, to the house of correction and workhouse. (C. '73, 539; R., 1112.)



## ORPHANS' HOME AND HOME FOR DESTITUTE CHILDREN.

## CHAPTER VI.

## TRUSTEES AND OFFICERS.

SEC. 2683. The Orphans' Home and Home for Destitute Children, located at Davenport, shall be under the management and control of three trustees, one of whom shall be a resident of Scott county. They shall at their meeting in May, after the regular session of the legislature, elect a president and secretary from their number, and shall elect a treasurer who shall be a resident of the county in which the house is situated, and he shall serve without compensation. The treasurer shall give a bond in a sum to be fixed by the board, with good and sufficient sureties, to be filed with and approved by the secretary of State, and conditioned for the faithful discharge of his duties and the safe keeping and proper disbursement of all money coming into his hands by virtue of his office. The secretary shall keep full and accurate minutes of the doings of the board, the meetings of which shall be held at the home. The board of trustees shall examine all applications for admission, and reject any for good and sufficient cause. It shall appoint a superintendent, who shall hold his or her office at its pleasure and subject to its direction. The superintendent, subject to the board, shall have charge of the institution and its conduct, and the board shall make biennial reports to the governor of the condition of the home, financial and otherwise. (22 G. A., ch. 74; 22 G. A., ch. 82, 30; 16 G. A., ch. 94, 4, 10; C. '73; 1623-4, 1629, 1632.)

## ADMISSIONS.

SEC. 2685. All children of soldiers residents of the State, orphans of soldiers, under fifteen years of age who are destitute or unable to care for themselves, and such other destitute children of like age who have a legal settlement in the State, and whose applications for admission are approved by the board of supervisors or a judge of a court of record shall be received into the home, but none in the

latter class shall be so admitted as long as there are applicants denied in the former; all applications to be made to a judge in the district of the applicant's residence or the board of supervisors of the county in which the applicant is living. (21 G. A., ch. 111; 16 G. A., ch. 93, 1, 2.)

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#### CODE OF IOWA, 1897.

#### ORPHANS' HOME AND HOME FOR DESTITUTE CHILDREN.

SEC. 2689. Children admitted to the home shall be provided with the means of obtaining, during the time they are inmates, a common school education, and having regular employment furnished them in some useful pursuit, and after discharge therefrom the trustees and superintendent shall assist them in finding a home and employment. The children shall also be instructed in physiology and hygiene as taught in the common schools. Any profits arising from labor at the home shall be placed at interest in some savings bank, and each inmate paid, when discharged, in proportion as his or her labor contributed to the fund.

#### ADOPTION OF ORPHANS.

SEC. 2690. Any child in the home, with the consent of its parents or guardian, may be adopted by any citizen of the State, subject to the approval of the board of trustees. Any child thus adopted shall be returned to the home when such board is satisfied that he is not being properly educated and cared for by the person adopting; the order therefor being entered upon the minute of its proceedings, and which order so entered shall operate to cancel the articles of adoption.

#### COUNTIES LIABLE.

SEC. 2692. Each county shall be liable for all sums paid by the home in support of its children, which shall be charged to the county, and collected when and as a part of the taxes due the State, and paid by it at the same time State taxes are paid.



## CHAPTER VII.

### TRUSTEES—OFFICERS.

SEC. 2693. The institution located at Glenwood shall be known as the institution for feeble-minded children, and be maintained for the training, instruction, care and support of feeble-minded children. \* \* \* (22 G. A., ch. 82, 36; 19 G. A., ch. 40, 2, 3, 4, 8, 13.)

### ADMISSIONS.

SEC. 2695. Every child and youth residing within the State, between the ages of five and twenty-one years, who by reason of deficient intellect is rendered unable to acquire an education in the common schools, is entitled to receive the physical and mental training and care of this institution at the expense of the State. The county superintendent in each county shall, on the first day of October, report to the superintendent of the institution the name, age and post-office address of every person in his county of such age who, by reason of feeble, mental and physical condition, is deprived of a reasonable degree of benefit from the common schools, and state therein whether or not such person has ever attended school, and if so how long, and also give the post-office address of the parents, guardian or nearest friend of such person. (Same 6.)

### SUPPORT.

SEC. 2700. For the support of the institution there is appropriated out of any money in the State treasury, not otherwise appropriated, the sum of ten dollars monthly for each inmate therein supported by the State, counting the actual time such person is an inmate and so supported. Upon the presentation to the State auditor of a sworn statement of the average number of inmates supported in the institution by the State for the preceding month, he shall draw his warrant upon the State treasurer for such sum. For the ordinary expenses of the institution, including furniture, books, school apparatus and compensation of officers, teachers and other employes, the sum of twenty-two thousand dollars, not otherwise appropriated, or so much thereof as may be neces-

sary, is annually appropriated, which may be drawn quarterly upon the order of the trustees.

#### CHAPTER VIII.

#### OF THE INDUSTRIAL SCHOOL—BOARD OF TRUSTEES—OFFICERS.

SEC. 2702. The industrial school located at Eldora, with a department for girls at Mitchellville, shall be under the management and control of a board of five trustees, which shall meet quarterly on the second Wednesday in January, April, July and October; and at the April meeting it shall select from its members a president, secretary and treasurer, whose duties shall severally consist in the performance of such services as usually devolve upon like officers. (18 G. A., ch. 171, 1; 16 G. A., ch. 38, 1; C. '73, 1643-5, 1647.)

#### COMMITMENT.

SEC. 2708. When a boy or girl over the age of seven years and under sixteen, of sound mind, shall be found guilty in any court of record of any crime, excepting that of murder, the court in its discretion may, instead of entering judgment of conviction, order and direct the party to be sent to the industrial school, if a boy to the department at Eldora, if a girl to that at Mitchellville, which order, certified by the clerk of the court and under its seal, shall be sufficient authority for his or her transfer to and confinement in said school. If such a boy or girl is convicted before any inferior court of a crime, or shall be found guilty of being a disorderly person, he or she may be forthwith sent by the court, accompanied with all the papers filed in his office upon the subject, in custody of an officer, to a judge of a court of record, who shall thereupon issue an order, directed to the parent or guardian of the party, or to such person as may have him or her in charge, or with whom he or she has resided, or one known to be nearly related to him or her, or if he or she be alone and friendless, then to any person the judge may appoint to act as guardian for the purposes of the case, requiring him or her to appear at a time and place stated and show cause why the party should not be committed

to the industrial school, which order shall be served by an officer by delivering a copy to the party to whom it is addressed, or by leaving it with some person of full age at the residence or place of business of said party, and immediate return shall be made to the judge of the service. At the time and place mentioned in the order, or to which the hearing may be adjourned, on the appearance of the parent or guardian, or in case of their failure to appear, then after the appointment of some suitable person as guardian for the purposes of the case, the judge shall proceed to take the voluntary examination of the boy or girl, to hear the statements of the party appearing for him or her, and such testimony in relation to the case as may be produced, and if upon such examination and hearing he shall be satisfied that the boy or girl is a fit subject for the industrial school, he may commit him or her to said school, until he or she arrives at majority, by warrant, which warrant shall state the place in which the party resided at the time of arrest, and his or her age, as near as can be ascertained, and shall command the officer to take and deliver without delay to the superintendent of said school, or other person in charge thereof, the said boy or girl, and the statement as to residence or age shall be conclusive thereof for the purposes of this chapter. With the warrant, the judge shall also transmit a statement of the nature of the complaint, and such other particulars concerning the accused as he may be able to ascertain. If the judge is of the opinion that the boy or girl is not a fit subject for the school, or if said boy or girl shall appeal from the decision of the court in which the conviction was had, he shall remand him or her to the custody of the officer who had him or her in charge, to be returned to the magistrate before whom the conviction was had, to be dealt with according to law. (16 G. A., ch. 38, 2-4; C., '73, 1653-8.)

#### COMPLAINT BY PARENT OR GUARDIAN.

SEC. 2709. If any parent or guardian shall make complaint to a judge of a court of record that any boy or girl, the child or ward of such parent or guardian, is habitually vagrant, disorderly or incorrigible, said judge shall issue a



warrant to the sheriff or constable to cause said boy or girl to be brought before him at such time and place as he may appoint, when and where he shall examine the parties, and if in his judgment the boy or girl is a fit subject for the industrial school, he may issue an order, with the consent of said parent or guardian indorsed thereon, to be executed by the sheriff or a constable, committing said boy or girl to the custody of the superintendent of said school for reformation and instruction until he or she attains the age of majority; but security for the payment of the expenses of said complaint, commitment and transportation to the school, and the expenses of board thereat, may, in the discretion of the judge, be required of said parent or guardian before such order is executed. (19 G. A., ch. 150; C. '73, 1659.)

#### SUPPORT.

SEC. 2713. For the support of the industrial school there is appropriated out of any money in the State treasury not otherwise appropriated, or so much thereof as may be necessary, ten dollars monthly for each boy, and eleven dollars monthly for each girl, actually supported in said school, counting the average number therein for each month; each monthly statement to be verified by the superintendent and presented to the State auditor, who shall draw his warrant upon the State treasurer for the same, such warrant to be payable to the treasurer of the board of trustees, and for the amount shown to be due by such sworn statement.

#### CHAPTER VIII.

##### POWERS.

SEC. 3255. Homes for the friendless incorporated under the laws of the State may receive, control and dispose of minor children of deceased fathers, and those abandoned by them, or where, being able, they fail to provide for them, and in all such cases the mother, for the purpose of surrendering them into the custody of such corporations, shall be considered their legal guardian. If the person or persons lawfully authorized to act as guardian of any child are unknown,

the mayor of the town or city where such home is located may surrender such child. (17 G. A., ch. 176, 1.)

#### CHAPTER IX.

#### OF THE COLLEGE FOR THE BLIND—BOARD OF TRUSTEES—OFFICERS—GOVERNMENT.

SEC. 2714. The college for the blind at Vinton shall be under the management and control of a board of five trustees. \* \* \*

#### CHAPTER XI.

#### OF THE SCHOOL FOR THE DEAF—TRUSTEES—OFFICERS.

SEC. 2723. The school for the deaf at Council Bluffs shall be under the management and control of three trustees. They shall meet annually on the first Wednesday in May, and organize by the selection of one of their number as president and one as secretary. \* \* \*

#### ADMISSION.

SEC. 2724. Every resident of the State of school age and suitable capacity, who is deaf and dumb, or so deaf as to be unable to acquire an education in the common schools, shall be entitled to receive an education in the institution at the expense of the State, and non-residents similarly situated may be entitled to an education therein upon the payment of forty dollars quarterly, in advance. Each superintendent of common schools, on or before the first day of November, shall report to the superintendent of the institution the name, age and post-office address of each deaf and dumb person, or person so deaf as to be unable to acquire an education in the common schools, between the ages of five and twenty-one years and residing in his county.

#### REPORTS.

SEC. 2739. The county superintendent shall annually, on the first Tuesday in October, make a report to the superintendent of public instruction, giving a full abstract of the several reports made to him by the secretaries and treasurers



of school boards, stating the manner in and extent to which the requirements of the law regarding instruction in physiology and hygiene are observed, and such other matters as he may be directed by the State superintendent to include therein, or he may think important in showing the actual condition of the schools in his county. At the same time, he shall file with the county auditor a statement of the number of persons of school age in each school township and independent district in the county. He shall also report, as provided by law, to the superintendent of the college for the blind, the name, age, residence and post-office address of every person, resident of the county, so blind as to be unable to acquire an education in the common schools; to the superintendent of the institution for the deaf and dumb, with the same detail, all persons of school age whose faculties in respect to hearing or speaking are so deficient as to prevent them from acquiring an education in such schools; and to the institution for the feeble-minded, all persons of like age who, because of mental defects, are entitled to admission therein.

## CHAPTER VI.

### OF MASTER AND APPRENTICE—PAUPERS.

SEC. 3231. The clerk of the district court may bind minors who are paupers until they have attained the age of majority, without obtaining their consent, and the indenture must in that case be signed by the master and said clerk.

### BINDING OUT CHILDREN IN POOR-HOUSE.

SEC. 3234. Any child confined in any poor-house or house of refuge, who is under sixteen years of age, may be apprenticed to learn a trade or occupation, and such apprenticeship shall continue until the child attains the age of eighteen years, or such earlier age as may be fixed in the articles, but the apprenticeship shall terminate upon marriage. The board of supervisors of the county, or the board of trustees of such house of refuge, may appoint a committee from its members, consisting of one or more, who may, in the name of such board, subject to the approval of the district court or a judge thereof, execute articles of indenture

for such child to any proper person whom such committee may select, which articles shall be filed with the clerk of the district court, but in all other respects such apprenticeship shall be governed by the provisions of this chapter. Such apprentice, if he proves untrustworthy and intractable, shall be returned to the institution from which he was apprenticed, upon an application in writing by the master, and satisfactory proof thereof to the proper board, who shall thereupon cancel the articles of indenture, and make a record thereof.

#### BINDING OUT BY ORDER OF COURT.

SEC. 3246. Upon a verified complaint being made to the district court of the proper county that the father or mother of a minor child is, from habitual intemperance or vicious and brutal conduct, or from vicious, brutal or criminal conduct toward such child, an unsuitable person to retain the control and education of such child, or where minor children have been abandoned by the parents, the court may, if it finds the allegations in the complaint manifestly true, and may, if expedient also, direct that such child be bound as an apprentice to some suitable person until he attains his majority, or appoint a guardian for such child; but nothing herein shall be so construed as to allow the taking of such child, if either parent is a proper custodian.

#### COMPLAINT.

SEC. 3247. In such a case, a verified complaint must be filed in the office of the clerk of the district court, and a copy thereof, with a notice fixing the time when the matter will be for hearing before the court, must be personally served upon the parent from whom the custody is sought to be taken, at least ten days before the time is stated.

#### PREFERENCE.

SEC. 3248. Preference shall be given to such cases over the ordinary business of the court, but trials actually commenced need not be suspended for that purpose.



## CHANGE OF CUSTODY.

SEC. 3254. In case of maltreatment committed or allowed by the adopting parent, or neglect of duty on his part toward such child, the custody thereof may be taken from him by the district court of the county where the parent resides, and intrusted to another at his expense, and the same proceedings may be had therefor, so far as applicable, as in case of master and apprentice, or the court may, on showing of the facts, require from the adopting parent bond with security, in a sum to be fixed by a running to the county, and for the benefit of the child, conditioned for its proper treatment and the performance of his duty toward it; but no action of the court in the premises shall affect the acquired right of inheritance on the part of the child.

## CHAPTER VIII.

OF HOMES FOR THE FRIENDLESS—SURRENDER  
OF CHILD TO.

SEC. 3256. When it is made to appear to a judge of a court of record, or mayor, or justice of the peace of or in such town or city, that the father of a child is dead, or has abandoned his family, or is an habitual drunkard, or in prison for crime, and the mother is dead, or has abandoned her family, or is such drunkard, or so confined for crime, or an inmate of a house of ill-fame, or that the parents of such child have abandoned or neglect to provide or it, such judge or mayor or justice of the peace may surrender it to said corporation.

## UPON COMPLAINT—APPEAL.

SEC. 3257. When complaint is made to the judge of any court of record, or the mayor or a justice of the peace in the city or town where such home is located, that any girl under the age of fourteen years, or boy under the age of twelve years, is abandoned by or is sustaining relations to its parents or guardian, as provided in the preceding section, such judge, mayor or justice of the peace shall issue a warrant for the arrest of such child, and if it has no parents, or is abandoned by them or its guardian, the mayor, judge or



justice may, if he finds it for the best interests of the child, surrender it to the care of said corporation. An appeal may be taken to the district court from the order of the judge, mayor or justice, within twenty days, in the same manner appeals are taken from judgments in justices' courts, and upon the trial thereof the party charged may have a trial by jury.

#### HABEAS CORPUS.

SEC. 3258. Upon the hearing of any *habeas corpus* proceedings for the custody of any such child, if it appears that it has been surrendered to the home under the provisions of this chapter, such fact shall be presumptive evidence that it was properly done, and that said home was entitled to the custody and guardianship thereof.

#### GUARDIANSHIP.

SEC. 3259. Such corporation shall be the legal guardian of the persons of all children surrendered to it under the provisions of this chapter, and may exercise all the right and authority of the parents of such children in regulating the apprenticing and adoption thereof.

#### RELIGIOUS INSTRUCTION.

SEC. 3260. If religious instruction be given any child while an inmate of such home, it shall be in the religious faith of its parents, if the same is known, and when any home shall dispose of the custody of any child, it shall be to some person of the same religious faith as its parents, unless the parent or former guardian otherwise consents.

#### EDUCATION OF CHILDREN.

SEC. 2249. Poor children when cared for at the poor-house shall attend the district school for the district in which such house is situated, and a ratable proportion of the cost of the school, based upon the attendance of such poor children to the total number of days' attendance thereat, shall be paid by the county into the treasury of such school district, and charged as part of the expense of supporting the poor-house.

## ILLINOIS.

## PUBLIC LAWS OF ILLINOIS, 1867.

AN ACT, For the reformation of juvenile offenders and vagrants.

SECTION 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly*, That for the discipline, education, employment and reformation of juvenile offenders and vagrants in the State of Illinois (Cook county excepted, there being a reformatory already established there,) between the ages of eight and eighteen years, an institution, to be known as the "State Reform School," shall be and is hereby established.

SEC. 16. All courts of competent jurisdiction are hereby authorized to exercise their discretion in sending juvenile offenders to the county jails, in accordance with the laws made and provided, or in sending them to the reform school: *Provided*, That no person be sent for a term that will detain him beyond the time when he shall have arrived at the age of eighteen years: *And provided further*, That all such courts as are mentioned in this section, may, in all cases where such offenders shall be sentenced to or ordered to be sent to the reform school, fix a less time of his confinement than that at which he shall arrive at the age of eighteen years.

SEC. 17. When any person is committed by any court of competent jurisdiction to the reform school as an offender, or person destitute of proper parental care, or growing up in mendicancy, ignorance, idleness, or vice, the reform school board shall be constituted the guardian of his person, and said board may detain him until his reformation is deemed complete, or he shall have arrived at the age of eighteen years; and they shall have power to bind out, under the most favorable conditions, with consent of said minor, if over fourteen years of age, to any inhabitant of this State, and the said board, master or mistress, apprentice or servant shall respectively have all the rights, and be subject to all the duties set forth by the statute laws of this State, relative to apprentices, guardians and wards. Said board shall also have

power to permit such persons in their guardianship as they shall judge fit subjects for such treatment, to be placed out under the care of any proper persons so placed out, may be kept and retained by such person or persons during the pleasure of the board, and subject at all times to their regulation and control.

SEC. 18. If the person convicted be a girl under sixteen years of age she may be sent to the reform school of Chicago, subject to the consent of the guardians thereof, where a special department is already organized for girls; and the cost of her keeping shall be the average cost of girls in that institution, which shall be paid semi-annually from the funds of the reform school, as long as said girl shall remain in said school, in accordance with the laws of said school. The order of the president of the board of guardians and superintendent of the Chicago reform school, upon the reform board for the amount specified, will be their voucher for the immediate payment of the money.

#### LAWS OF ILLINOIS, 1897.

AN ACT, To promote attendance of children in schools and to prevent truancy.

SEC. 3. The board of education in cities, towns, villages and school districts, and board of school directors in school districts, shall appoint, at time of appointment or election of teachers each year, one or more truant officers, whose duty it shall be to report all violations of this act to said board of education or board of directors, and to enter complaint against and prosecute all persons who shall appear to be guilty of such violation. It shall also be the duty of said truant officer so appointed to arrest any child of school-going age that habitually haunts public places and has no lawful occupation, and also any truant child who absents himself or herself from school, and to place him or her in charge of the teacher having charge of any school which said child is by law entitled to attend, and which school be designated to said officer by the parent, guardian, or person having control of said child. In case such parent, guardian or person shall designate a school without making or having made arrangements



for the reception of said child in the school so designated, or in case he refuses or fails to designate any school, then such truant officer shall place such child in charge of the teacher of the public school. And it shall be the duty of said teacher to assign said child to the proper class and to instruct him or her in such studies as he or she is fitted to pursue. The truant officer so appointed shall be entitled to such compensation for services rendered under this act as shall be determined by the boards appointing them, and which compensation shall be paid out of the distributed school fund: *Provided*, That nothing herein contained shall prevent the parent, guardian or person having charge of such truant child which has been placed in any school by the truant officer to thereafter send said child to any other school which said child is by law entitled to attend.

SEC. 4. Any person having control of a child who, with intent to evade the provisions of this act, shall make a wilfully false statement concerning the age of such child, or the time such child has attended school, shall, for such offense, forfeit a sum of not less than three (3) dollars nor more than twenty (20) dollars for the use of the public schools of such city, town, village or district.

SEC. 5. Any fine and penalty mentioned in this act may be sued for and recovered before any court of record or justice of the peace of the proper county in the name of the people of the State of Illinois for the use of the public schools of the city, town, village or district in which said child resides.

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REVISED STATUTES OF ILLINOIS, 1898.

OBJECT OF THE INSTITUTIONS FOR THE DEAF  
AND DUMB, THE BLIND AND  
FEEBLE-MINDED.

SEC. 22. The object of the institutions for the education of the deaf and dumb, and the blind, and of the asylum for feeble-minded, shall be to promote the intellectual, moral and physical culture of the classes of persons indicated in their titles, respectively, and to fit them, as far as possible, for earning their own livelihood and for future usefulness in society.

OBJECT OF THE EYE AND EAR INFIRMARY.

SEC. 24. The object of the charitable eye and ear infirmary shall be to provide gratuitous board and medical and surgical treatment for all indigent residents of Illinois who are afflicted with diseases of the eye or ear.

INFANT.

SEC. 283. An infant under the age of ten years shall not be found guilty of any crime or misdemeanor.

COUNSELING INFANT, IDIOT OR LUNATIC TO COMMIT CRIME.

SEC. 287. Any person counseling, advising or encouraging an infant under the age of ten years, lunatic or idiot, to commit any offense, shall be prosecuted for such offense when committed as principal, and if found guilty shall suffer the same punishment that would have been inflicted on such person counseling, advising or encouraging as aforesaid, had he committed the offense directly, without the intervention of such infant, lunatic or idiot.

PUNISHMENT OF OFFENDERS UNDER EIGHTEEN.

SEC. 449. Persons under the age of eighteen years shall not be punished by imprisonment in the penitentiary for any offense except murder, manslaughter, rape, robbery, burglary or arson; in all other cases where a penitentiary punishment is or shall be provided, such person under the age of eighteen years and over the age of sixteen years shall be punished by confinement in the county jail for a term not exceeding eighteen months, at the discretion of the court.

CHILDREN ON POOR FARMS—JURISDICTION OF COUNTY JUDGE—HOME FOR SUCH CHILDREN.

SEC. 34. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the county judges of the several counties of this State be, and they are hereby, authorized to make such orders as shall be necessary to release*



from the custody of the keepers of the poor farms in their respective counties all children confined therein under the age of fourteen years, who have no parents or legal guardians living, whenever the said judge can, without expense to the county, through the agency of any person or charitable society of this State, secure a good home for said child; and the said judge is hereby authorized, and it is made his duty to enter into a contract on behalf of such child or children with the person who agrees to take such child, which contract shall provide that said child shall be clothed, maintained and schooled in the common schools of the State until he, if a male child, is twenty-one years old, and if a female until she is eighteen years of age.

#### CHAPTER CXVIII.

##### CHANGE OF NAME.

SECTION I. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That from and after the first day of July, 1891, the Illinois Reform School at Pontiac shall be known as the Illinois State Reformatory, and the trustees and other officers now in control of the reform school at Pontiac shall hold their respective positions until the board of managers provided for by this act are appointed by the governor, and not longer.

##### CLASSIFICATION OF INMATES.

SEC. 9. The inmates of the reformatory shall be divided into two divisions or departments, the first to include males between the ages of ten and sixteen years, the second to include males between the ages of sixteen and twenty-one years, who may be sentenced to said reformatory as hereinafter provided.

##### COMMITMENT OF OFFENDERS.

SEC. II. Whenever any boy between the ages of ten and sixteen years is convicted before any court of competent jurisdiction of any crime, which, if committed by an adult, would be punishable by imprisonment in the county jail or penitentiary, such juvenile offender shall be committed, by or

der of such court, to said reformatory: *Provided*, That when the crime is punishable by imprisonment in the county jail the court may in the exercise of its discretion commit such offender to the county jail for the term authorized by law for the punishment of the offense of which the offender is convicted.

#### SENTENCE TO REFORMATORY.

SEC. 12. Any court in this State exercising criminal jurisdiction may sentence to the said reformatory any male criminal between the ages of sixteen and twenty-one, and not shown to have been previously sentenced to a penitentiary in this or any other State or country, upon the conviction in such court of such male person of a crime punishable under existing laws in a penitentiary. And the said board of managers shall receive and take into said reformatory all male prisoners of the class aforesaid, who may be legally sentenced, on conviction, as aforesaid; and all existing laws requiring the courts of this State to sentence to the penitentiary male prisoners convicted of any criminal offense between the ages of sixteen and twenty-one years, and not shown to have been previously sentenced to a State prison in this or any other State or country, shall be applicable to the said reformatory, so far as to enable courts to sentence the class of prisoners so last defined to said reformatory, and not to a penitentiary: *And provided*, No person above the age of sixteen years, who has been convicted and adjudged guilty of a capital offense, shall be sentenced to the State reformatory.

#### SENTENCE—DURATION—AUTHORITY OF BOARD.

SEC. 13. Every sentence to the reformatory of a person hereafter convicted of a felony or other crime shall be a general sentence to imprisonment in the Illinois State Reformatory, and the courts of this State imposing such sentence shall not fix or limit the duration thereof. The term of such imprisonment of any person so convicted and sentenced shall be terminated by the board of managers of the reformatory, as authorized by this act; but such imprisonment shall not exceed the maximum term, provided by law, for the crime for which the prisoner was convicted and sentenced.



## TRANSFER TO PENITENTIARY.

SEC. 15. The board of managers shall have the power to transfer, temporarily, to the penitentiary of the proper district, any prisoner who, subsequent to his committal, shall be shown to their satisfaction to have been more than twenty-one years of age, or to have been previously convicted of crime, and may also transfer any incorrigible prisoner, whose presence in the reformatory appears to be seriously detrimental to the well-being of the institution. And such managers may, by written requisition, require the return to the reformatory of any person who may have been so transferred. Each prisoner so transferred to the penitentiary shall be held therein, subject to such rules and regulations provided by the commissioners of said penitentiary in harmony with this act, unless recalled to the reformatory, as herein provided by the board of managers.

## REGULATIONS—PAROLE.

SEC. 16. The said board of managers shall have power to establish rules and regulations under which prisoners within the reformatory may be allowed to go upon parole outside of the reformatory building and enclosure, but to remain while on parole in the legal custody and under control of the board of managers and subject at any time to be taken back within the enclosure of said reformatory; and full power to enforce such rules and regulations to retake and re-imprison any inmate so upon parole is hereby conferred upon said board, whose order, certified by its secretary and signed by its president, with the seal of the reformatory attached thereto, shall be a sufficient warrant for the officer named in it to authorize such officer to return to actual custody any conditionally released or paroled prisoner, and it is hereby made the duty of all officers to execute said order the same as ordinary criminal process: *Provided*, That no prisoner shall be released on parole until the said board of managers shall have satisfactory evidence that arrangements have been made for his honorable and useful employment for at least six months while upon parole in some suitable occupation.



## RULES—REGISTER OF INMATES.

SEC. 17. It shall be the duty of said board of managers to adopt such rules concerning all prisoners committed to their custody as shall prevent them from returning to criminal courses, best secure their self-support and accomplish their reformation. When any prisoner shall be received into said reformatory the general superintendent shall cause to be entered into a register the date of such admission, the name, age, nativity, nationality, with such other facts as can be ascertained of parentage, education, occupation and early social influences as seem to indicate the constitutional and acquired defects and tendencies of the prisoner, and based upon these, an estimate of the present condition of the prisoner, and the best probable plan of treatment. And the physician of said reformatory shall carefully examine each prisoner when received, and shall enter in a register to be kept by him the name, nationality or race, the weight, stature and family history of each prisoner, also a statement of the condition of the heart, lungs and other leading organs, the rate of the pulse and respiration, the measurement of the chest and abdomen, and any existing disease or deformity, or other disability acquired or inherited. Upon the general superintendent's register shall be entered, from time to time, minutes of observed improvement or deterioration of character, and notes as to methods and treatment employed; also, all alterations affecting the standing or situation of such prisoner, and any subsequent facts or personal history which may be brought, officially, to his knowledge bearing upon the question of the parole or final release of said prisoner. And it is hereby provided that if any prisoner on parole shall violate the conditions of his parole or conditional release (by whatever name), as affixed by the managers, he shall by a formal order, entered in the manager's proceedings, be declared a delinquent, and shall thereafter be treated as an escaped prisoner owing service to the State, and shall be liable, when arrested, to serve out the unexpired term of his maximum possible imprisonment, and the time from the date of his declared delinquency to the date of his arrest shall not be counted as any part or portion of time served. And any prisoner at large upon

parole or conditional release, who shall commit a fresh crime, and upon conviction thereof shall be sentenced anew to the reformatory or the penitentiary, shall be subject to serve the second sentence after the first sentence is served or annulled; said second sentence to commence from the termination of his liability upon the first or former sentence.

#### PRISONERS ON PAROLE—FINAL DISCHARGE.

SEC. 18. It shall be the duty of the general superintendent to keep in communication, as far as possible, with all prisoners who are on parole, and when, in his opinion, any prisoner, who has served not less than six months of his parole acceptably, has given such evidence as is deemed reliable and trustworthy that he will remain at liberty without violating the law, and that his final release is not incompatible with the welfare of society, the general superintendent shall make certificate to that effect to the board of managers, and after written notice to all the managers the board shall, at the next meeting thereafter, consider the case of the prisoner so presented, and when said board shall decide that said prisoner is entitled to his final discharge, said board shall cause a record of the case of said prisoner to be made, showing the date of his commitment to the reformatory, his record while detained therein, the date of his parole, his record while on parole and their reason for recommending his final discharge. Said record shall be signed by the managers and attested by the secretary with the seal of the reformatory, and sent to the judge of the court that sentenced said prisoner to the reformatory. Said judge shall enter an order for the final discharge of said prisoner from further liability under his sentence. The clerk shall send a copy of said order, duly certified, to the general superintendent, who shall enter the same in the proper record and furnish said prisoner with a certified copy thereof. Said order shall constitute a full discharge of said prisoner from further liability under his sentence. But no petition or other form of application for either the parole or final release of any prisoner shall be entertained by the general superintendent or board of managers. Nothing in this



act shall be construed as impairing the power of the governor to grant a pardon or commutation in any case.

#### RELEASE—CLOTHING, ETC., FURNISHED—TRANSPORTATION.

SEC. 19. Upon the release of any prisoner upon parole from the reformatory the general superintendent shall provide him with suitable clothing and with ten dollars in money, payable at such times and in such instalments as the general superintendent may determine, and shall procure transportation for him to his place of employment. The general superintendent shall make like provision for any prisoner discharged from the reformatory by expiration of his sentence, or otherwise, save that he shall procure transportation for said prisoner to his home if within the State, or if his home is not within the State, then to the place of his conviction.

#### HOME FOR JUVENILE FEMALE OFFENDERS—TRUSTEES—APPOINTMENT OF—POWER.

SEC. 26. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the State Home for Juvenile Female Offenders shall be under the control of five trustees, to be appointed by the governor, two of whom may be women. One to be appointed for one year, one for two years and one for three years, and one to be appointed each year thereafter, to serve for three years. They shall hold office during the time for which they are appointed, unless removed for cause by the governor. They shall possess all the corporate and other powers and be subject to all rules regulating the charitable institutions of this State and of the Illinois State Reformatory, so far as they may apply.

#### AUTHORIZED TO ESTABLISH HOME.

SEC. 28. The trustees are hereby authorized to establish and maintain a "State Home for Juvenile Female Offenders," the object of which shall be to provide for the maintenance, discipline and reformation of such girls as may be committed thereto as hereinafter provided. \* \* \*

## TREATMENT OF OFFENDERS—TRIAL.

SEC. 42. Whenever any girl between the ages of ten and sixteen years is convicted of any offense or misdemeanor by or before any justice of the peace, any responsible person, who is a resident of any county in the State, may petition the county court or any court of record of the county in which said conviction was made, to have such girl sent to the said reformatory for female juvenile offenders; and it shall be determined by a jury upon the hearing of said matter that said girl is a vagrant and without a proper home or means of subsistence, or lives with or frequents the company of reputed thieves or other vicious persons, or has been in a house of ill-fame or in any prison or poor-house, or for any reason, whether in the interest of the girl or the public, she should be sent to said reformatory, said court shall thereupon send said girl to said reformatory and issue the proper writ therefor. The court shall in said cases have said girl before it and require such evidence as it shall deem proper.

## NO IMBECILE ADMITTED.

SEC. 45. No imbecile, or idiotic girl, shall be committed or received into the State Home for Juvenile Female Offenders.

## GOOD BEHAVIOR TO BE CREDITED.

SEC. 47. Any girl committed to the State Home for Juvenile Female Offenders shall, by good behavior, earn to herself and be credited with time as follows, to wit: Each month in the first year, five days; each month in the second year, six days; each month in the third year, seven days; each month in the fourth year, eight days; each month thereafter, nine days. Any such girl, for any misconduct or violation of the rules of the home, shall be liable to forfeit five days of the good time placed to her credit. The superintendent shall release every such girl from the home as many days before the expiration of time of her sentence as she shall have balance of good days to her credit.



## PERSONS PROVIDED TO SUPERVISE GIRLS.

SEC. 50. The trustees, in the interest of unfortunate girls in this State, may, in their discretion, appoint one or more suitable persons to serve, without compensation, in each county in this State, to have a supervising care over all girls in their respective counties coming within the provisions of this act, and to aid the trustees in providing suitable homes for girls committed to said home.

## TRUSTEES TO HAVE CONTROL.

SEC. 51. The trustees shall receive into said home all girls committed thereto under the provisions of this act, and shall have the exclusive custody, care and guardianship of such girls. They shall provide for their support and comfort, instruct them in such branches of useful knowledge as may be suited to their years and capacities, and shall cause them to be taught in domestic vocations, such as sewing, knitting and housekeeping in all its departments. And for the purpose of their education and training and that they may assist in their own support they shall be required to pursue such tasks suitable to their years, as may be prescribed by said trustees, and, avoiding sectarianism, suitable provisions shall be made for their moral and religious instruction.

GIRLS CAN BE PLACED IN HOME OF CITIZEN—  
WHEN.

SEC. 52. Any girl committed under the provisions of this act may, by the trustees of said home, be placed in the home of any good citizen upon such terms and for such purpose as may be agreed upon, or she may be given to any suitable person of good character who will adopt her, or she may be bound to any reputable citizen as an apprentice to learn any trade, or as a servant to follow any employment which, in the judgment of the trustees, will be for her advantage; and all and singular of the provisions of the law in relation to apprentices, so far as they are applicable, shall apply to and be binding upon the trustees, upon such girl, or upon the person to whom such girl is bound; any disposition made of any girl under this section shall not bind her beyond her minority.

The trustees shall have a supervising care of such girl, to see that she is properly treated and cared for; and, in case such girl is cruelly treated, or is neglected, or the terms upon which she was committed to the care and protection of any person are not observed, or in case such care and protection shall for any reason cease, then it shall be the duty of the trustees to take and receive such girl again into the custody, care and protection of said home.

#### DISCHARGE OF INMATE—CLOTHES AND MONEY FURNISHED.

SEC. 53. Upon the discharge of any girl from the said home the superintendent shall provide her with suitable clothing and five dollars in money, and procure transportation for her to her home, if she has one in the State, or to the county from which she was sent, at her option.

#### INDUSTRIAL SCHOOL FOR GIRLS—CORPORATION—HOW ORGANIZED.

SEC. 320. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That any seven or more persons, residents of this State, a majority of whom are women, who may organize, or have organized, under the general laws of the State, relating to corporations, for the purpose of establishing, maintaining and carrying on an industrial school for girls, shall have under the corporate names assumed all the powers, rights and privileges of corporations of this State, not for pecuniary profit, and shall be, and hereby are, exempted from all State and local taxes: Provided, however, That any persons organized, or who may hereafter organize as above set forth, desiring to avail themselves of the provisions of this act, shall first obtain the consent of the governor thereto, in writing, which consent must be filed in the office of the secretary of State.*

#### OBJECT—HOW SCHOOL MAINTAINED.

SEC. 321. The object of industrial schools for girls shall be to provide a home and proper training school for such girls as may be committed to their charge; and they shall



be maintained by voluntary contributions, excepting as hereinafter provided.

ENFORCEMENT OF ACT—PETITION—WHO A DEPENDENT.

SEC. 322. Any responsible person, who is a resident of any county in this State, may petition the county court or any court of record of said county to inquire into the alleged dependency of any female infant then within the county, and every female infant, who comes within any or either of the following descriptions, shall be considered a dependent girl, viz.:

Every female infant who begs or receives alms while actually selling or pretending to sell any article in public; or who frequents any street, alley or other place for the purpose of begging or receiving alms; every female infant who shall have no permanent place of abode; or who shall not have proper parental care, or guardianship; or who shall not have sufficient means of subsistence; or who from any cause shall be a wanderer through streets and alleys or other public places; or who shall live with, or frequent the company of, or consort with reputed thieves or other vicious persons; or who shall be found in a house of ill-fame, or in any prison or in a poor-house.

The petition shall also state the names, if known, of the father and mother of the infant, or the survivor; and if neither the father nor mother of the infant be living, or cannot be found in the county, or if their names cannot be ascertained, then the name of the guardian, if there be one.

If there be a parent living, whose name can be ascertained, or a guardian, the petition shall set forth not only the dependency of the girl, but shall also show, either that the parents or parent or guardian are or is not fit persons or person to have the custody of such girl, or that if the father, mother or guardian consents to the girl being found dependent. Such petition shall be verified by oath upon the belief of the petitioner, and upon being filed the judge of the court shall have the girl named in the petition brought before him for the purpose of determining the application in

said petition contained, and for the hearing of such petition, the court having jurisdiction shall be considered always open.

#### WRIT TO ISSUE—TRIAL BY JURY.

SEC. 323. Upon the filing of such petition the clerk of the court shall issue a writ to the sheriff of the county, directing him to bring such infant before the court, to order a jury of six to be summoned, to ascertain whether such infant is a dependent, as alleged in such petition, and also to find if the other allegations are true, and if found to be such, they shall also find her age in their verdict, and when such infant shall be without counsel it shall be the duty of the court to assign counsel for her; and if the jury finds that the infant named in the petition is a dependent girl, and that the other material facts set forth in the petition are true, and if, in the opinion of the judge, she is a fit person to be sent to an industrial school for girls the judge shall enter an order that such infant be committed to an industrial school for girls in the county, if there be such school in the county; but if there be no such school in the county, then to any industrial school for girls elsewhere in the State, to be in such school kept and maintained until she arrives at the age of eighteen years, unless sooner discharged therefrom in the manner hereinafter provided. Before the hearing aforesaid, notice shall be given to the parent or guardian of the infant, if to be found in the county, of the proceedings about to be instituted, and they may appear and resist the same.

#### APPOINTMENT OF GUARDIAN.

SEC. 324. If the court finds as in the preceding section, it shall further order of record that such female infant has no guardian, or that her guardian or parents or parent is or are not fit to have the custody of such girl, or that the parents, parent or guardian consent to such finding, as the case may be, and the court may thereupon appoint the president or any one of the vice-presidents of such industrial school the lawful guardian of such infant, and no bond shall be required of such guardian, and such guardian shall permit such infant to be placed under the care and in the custody of such "in-



dustrial school for girls" as hereinafter provided. (As amended by act approved June 25th, 1885. In force July 1st, 1885.)

#### WARRANT OF COMMITMENT.

SEC. 325. A warrant shall thereupon be issued in duplicate by the clerk to some suitable person, a resident of the county to be designated by the judge, authorizing him or her to take in charge and care the dependent girl named in said order of the court, and convey her to the industrial school for girls to which she is to be committed. \* \* \*

#### OFFICERS OF SCHOOL—DUTIES—POWERS.

SEC. 329. The officers and trustees of any industrial school for girls in this State shall receive into such school all girls committed thereto under the provisions of this act, and shall have the exclusive custody, care and guardianship of such girls. They shall provide for their support and comfort; instruct them in such branches of useful knowledge as may be suited to their years and capacities, and shall cause them to be taught in domestic vocations, such as sewing, knitting and housekeeping in all its departments. And for the purpose of their education and training, and that they may assist in their own support, they shall be required to pursue such tasks suitable to their years and sex as may be prescribed by such officers and trustees.

#### ADOPTION.

SEC. 330. Any girl committed under the provisions of this act to an industrial school for girls, may, by the officers and trustees of said school, be placed in the home of any good citizen upon such terms and for such purpose and time as may be agreed upon, or she may be given to any suitable person of good character who will adopt her, or she may be bound to any reputable citizen as an apprentice to learn any trade, or as a servant to follow any employment which, in the judgment of said officers and trustees, will be for her advantage; and all and singular of the provisions of the act entitled "An act to revise the law in relation to apprentices," approved February 25th, 1874, in force July 1st, 1874, in so far as they are applicable, shall apply to and be binding upon

such officers and trustees, upon such girl and upon the person to whom such girl is bound: *Provided*, That any disposition made of the girl under this section shall not bind her beyond her minority: *And provided further*, That such officers and trustees shall have a supervising care over such girl to see that she is properly treated and cared for; and in case such girl is cruelly treated, or is neglected, or the terms upon which she was committed to the care and protection of any person are not observed, or in case such care and protection shall for any reason cease, then it shall be the duty of such officers and trustees to take and receive such girl again into custody, care and protection of said industrial school.

#### NO IMBECILE, ETC., GIRL ADMITTED.

SEC. 331. No imbecile or idiotic girl, or one incapacitated for labor, nor any girl having any infectious, contagious or incurable disease shall be committed or received into any industrial school for girls in this State.

#### DISCHARGE FROM SCHOOL.

SEC. 332. Any girl committed to an industrial school for girls under the provisions of this act may be discharged therefrom at any time, in accordance with the rules thereof, when in the judgment of the officers and trustees the good of the girl or the good of the school would be promoted by such discharge, and the governor may at any time order the discharge of any girl committed to an industrial school under the provisions of this act.

#### VISITATION, ETC., BY BOARD OF STATE COMMISSIONERS OF PUBLIC CHARITIES.

SEC. 333. All industrial schools for girls in this State shall be subject to the same visitation, inspection and supervision of the Board of State Commissioners of Public Charities as the charitable and penal institutions of the State; and avoiding as far as practicable sectarianism, suitable provisions shall be made for the moral and religious instruction of the inmates of all industrial schools for girls in this State. But no such industrial school shall receive an appropriation

from the State for any purpose, and any school receiving an appropriation from the State shall not have the benefit of the provisions of this act.

#### TRAINING SCHOOL FOR BOYS.

#### ORGANIZATION OF TRAINING SCHOOLS FOR BOYS.

SEC. 334. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That any seven or more persons, residents of this State, who may organize, or have organized, under the general laws of the State, relating to corporations, for the purpose of establishing, maintaining and carrying on a training school for boys, shall have, under the corporate name assumed, all the powers, rights and privileges of corporations of this State, not for pecuniary profit: *Provided, however,* That any persons organized, or who may hereafter organize, as above set forth, desiring to avail themselves of the provisions of this act, shall first obtain the consent of the governor thereto, in writing, which consent must be filed in the office of the secretary of State.

#### OBJECTS—HOW MAINTAINED.

SEC. 335. The object of training schools for boys shall be to provide a home and proper training school for such boys as may be committed to their charge; and they shall be maintained by voluntary contributions, excepting as hereinafter provided.

#### WHO MAY BE ADMITTED, AND HOW.

SEC. 336. Any responsible person, a resident of any county in this State, may petition the county court, or any court of record of said county, to inquire into the alleged dependency of any boy then within the county, and every boy who shall come within the following descriptions shall be considered a dependent boy, viz.: Every boy who frequents any street, alley or other place for the purpose of begging or receiving alms; every boy who shall have no permanent place of abode, proper parental care or guardianship; every boy who shall not have sufficient means of sub-

sistence, or who from other cause shall be a wanderer through streets and alleys, or other public places; and every boy who shall live with, or frequent the company of, or consort with reputed thieves or other vicious persons. The petitioner shall also state the name of the father and mother of the boy, if living and if known, or if either be dead, the name of the survivor, if known; and if neither the father nor mother of the boy be living or be found in the county, or their names to be ascertained, then the name of the guardian, if there be one. If there be a parent living whose name can be ascertained, or a guardian, the petition shall set forth not only the dependency of the boy, but shall also show either that the parents or parent, or guardian are, or is not fit persons or person to have the custody of such boy, or that if fit, the father, mother or guardian consents or consent to the boy being found dependent. Such petition shall be verified by oath upon the belief of the petitioner, and upon being filed, the judge of the court shall have the boy named in the petition brought before him for the purpose of determining the application in said petition contained, and for the hearing of such petitions the county court shall be considered always open.

MAY BE COMMITTED BY ORDER OF COURT TILL  
TWENTY-ONE YEARS OF AGE.

SEC. 337. Upon the filing of such petition, the clerk of the court shall issue a writ to the sheriff of the county, directing him to bring such boy before the court, to order a jury of six to be summoned to ascertain whether such boy is dependent, as alleged in said petition, and also to find if the other allegations are true, and if found to be such, they shall also find his age in their verdict; and when such boy shall be without counsel, it shall be the duty of the court to assign counsel for him; and if the jury shall find that the boy named in the petition is a dependent boy, and that the other material facts set forth in the petition are true, and if in the opinion of the judge he is a fit person to be sent to a training school for boys, the judge shall enter an order that such boy shall be committed to a training school for

boys in the county, if there be such in the county, but if there be no such school in the county, then to any training school for boys elsewhere, in the State, to be in such school kept and maintained until he shall arrive at the age of twenty-one years, unless sooner discharged therefrom in the manner hereinafter provided. Before the hearing aforesaid, notice shall be given to the parents or parent or guardian of the boy, if to be found in the county, and also to the chairman of the county board of the county, of the proceedings about to be instituted, and they may appear and resist the same.

#### GUARDIAN OF THE CUSTODY AND TUITION.

SEC. 338. If the court finds, as in the preceding section, it shall further order of record that such boy has no guardian, or that his guardian or parents or parent is, or are not, fit person or persons to have the custody of such boy, or that the parent, parents or guardian consent, as the case may be, and the court shall thereupon appoint a guardian of the custody and tuition of such boy, and no bond shall be required of such guardian, and such guardian shall permit such boy to be placed under the care and in the custody of such training school for boys as herein provided.

#### WHAT BOYS RECEIVED—SUPPORT—TRAINING— MAY ASSIST IN OWN SUPPORT.

SEC. 343. The officers and managers of any training school for boys in this State shall receive into such school all boys not idiotic and not afflicted with a contagious disease committed thereto under the provisions of this act, shall have the exclusive custody, care and guardianship of such boys, shall provide for their support and comfort, instruct them in such branches of useful knowledge as may be suited to their years and capacities, and shall cause them to be taught or trained in some trade or industrial pursuit. And for the purpose of their education and training, and that they may assist in their own support, they shall be required to perform such tasks, suitable to their years and sex, as may be prescribed by such officers and managers, and as may be reasonable and proper.



## OFFICERS MAY PLACE BOYS IN HOME, OR APPRENTICE.

SEC. 344. Any boy committed under the provisions of this act to a training school for boys, may, by the officers and managers of said school, be placed in the home of any good citizen, upon such terms and for such purpose and time as may be agreed upon, or he may be given to any suitable person of good character who will adopt him, or he may be bound to any reputable citizen as an apprentice to learn any trade, or as servant to follow any employment, which, in the judgment of said officers and managers, will be for his advantage; and all and singular of the provisions of the act entitled "An act to revise the law in relation to apprentices," approved February 25th, 1874, in force July 1st, 1874, in so far as they are applicable, shall apply to and be binding upon such officers and managers, and upon such boy and upon the person to whom such boy may be bound: *Provided*, That any disposition made of any boy under this act shall not bind him beyond his majority: *And provided further*, That such officers and managers shall have a supervising care over such boy after he shall be so put out, to see that he is properly treated and cared for; and, in case such boy is cruelly treated or is neglected, or the term upon which he shall have been put out to any person be not observed, then it shall be the duty of such officers and managers to take and receive such boy again into the custody, care and protection of said training school. And said officers and managers shall have power to reclaim any boy put out to any person under the terms of this act without the consent of the person to whom the boy may be so put out, whenever, in the judgment of the said officers and managers, the boy shall be cruelly treated, neglected in training, proper instruction or otherwise, or not properly cared for.

## DISCHARGE OF BOYS.

SEC. 345. Any boy committed to a training school for boys, under the provisions of this act, may be discharged therefrom at any time in accordance with the rules thereof, when, in the judgment of the officers and managers, the good

of the boy or the good of the school would be promoted by such discharge, and the governor may at any time order the discharge of any boy committed to a training school under the provisions of this act.

#### SCHOOL SUBJECT TO VISITATION.

SEC. 346. All training schools for boys in this State organized under this act shall be subject to the same visitation, inspection and supervision of the Board of State Commissioners of Public Charities as the charitable institutions of the State.

#### POWER OF COURT—RESTORATION OF BOY TO PARENTS.

SEC. 347. The court committing any boy to a training school under the provisions of this act shall have power at any time after making such commitment, upon proper showing, to order the discharge of the boy or his restoration to his parents. And shall also have power generally to make all orders relative to boys committed by such court in order to apply the benefits of this act to such boys, and for the purpose of reclaiming such boys, the court may send its writ to any county in this State. Appeals as in other cases shall be allowed from all final orders made by such court under this act.

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#### CHAPTER LXIV.

#### COUNTY JUDGES AUTHORIZED TO RELEASE, ETC.

SEC. 56. *Be it enacted by the people of the State of Illinois, represented in General Assembly,* That the county judges of the several counties of this State be, and they are hereby, authorized to make such orders as shall be necessary to release from the custody of the keepers of the poor-farms in their respective counties all children confined therein under the age of fourteen years, who have no parents or legal guardians living, whenever the said judge can, without ex-

pense to the county, through the agency of any person or charitable society of this State, secure a good home for said child, and the said judge is hereby authorized, and it is made his duty, to enter into a contract on behalf of such child or children with the person who agrees to take such child, which contract shall provide that said child shall be clothed, maintained and schooled in the common schools of the State until he, if a male child, is twenty-one years old, and, if a female, until she is eighteen years of age.

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VOLUME II, 1896.

CHAPTER LVIII.

FOUNDLINGS—EFFECT OF ABANDONMENT.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That hereafter when any child in this State, under the age of one year, shall be wilfully abandoned by its parents, and shall be taken and cared for by any charitable institution in this State, incorporated or otherwise, such parents so abandoning said child shall thenceforth lose all their right, control and authority over said child, and said right, control and authority shall thereupon become vested in said institution.

LEAVING WITH INSTITUTION, ABANDONMENT.

SEC. 2. It shall be deemed a wilful abandonment, for the purposes of this act, if any such child be left by its parents at any such charitable institution.

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LAWS OF ILLINOIS, 1899.

JUVENILE COURTS—DEFINITIONS.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That this act shall apply only to children under the age of sixteen years not now or hereafter inmates of a State institution or any training school for boys or industrial school for girls, or some institution incorporated under the laws of this State, except

as provided in sections twelve (12) and eighteen (18). For the purposes of this act the words dependent child and neglected child shall mean any child who for any reason is destitute or homeless or abandoned, or dependent upon the public for support; or has not proper parental care or guardianship, or who habitually begs or receives alms; or who is found living in any house of ill-fame or with any vicious or disreputable person; or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such child, and any child under the age of eight years who is found peddling or selling any article or singing or playing any musical instrument upon the streets or giving any public entertainment. The words delinquent child shall include any child under the age of sixteen years who violates any law of this State or any city or village ordinance. The word child or children may mean one or more children, and the word parent or parents may be held to mean one or both parents, when consistent with the intent of this act. The word association shall include any corporation which includes in its purposes the care or disposition of children coming within the meaning of this act.

### JURISDICTION.

SEC. 2. The circuit county court of the several counties in this State shall have original jurisdiction in all cases coming within the terms of this act. In all trials under this act any person interested therein may demand a jury of six, or the judge of his own motion may order a jury of the same number to try the case.

### JUVENILE COURT.

SEC. 3. In counties having over 500,000 population the judges of the circuit court shall, at such times as they shall determine, designate one or more of their number whose duty it shall be to hear all cases coming under this act. A special court room, to be designated as the juvenile court room, shall be provided for the hearing of such cases, and the findings of the court shall be entered in a book or



books to be kept for that purpose, and known as the "juvenile record," and the court may, for convenience, be called the "Juvenile Court."

#### PETITION TO THE COURT.

SEC. 4. Any reputable person being resident in the county, having knowledge of a child in his county who appears to be either neglected, dependent or delinquent, may file with the clerk of a court having jurisdiction in the matter a petition in writing, setting forth the facts, verified by affidavit. It shall be sufficient that the affidavit is upon information and belief.

#### SUMMONS.

SEC. 5. Upon the filing of the petition a summons shall issue requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at a place and time stated in the summons, which time shall be not less than twenty-four hours after service. The parents of the child, if living, and their residence is (if) known, or its legal guardian, if one there be, or if there is neither parent nor guardian, or if his or her residence is not known, then some relative, if there be one, and his residence is known, shall be notified of the proceedings, and in any case the judge may appoint some suitable person to act in behalf of the child. If the person summoned as herein provided shall fail without reasonable cause to appear and abide the order of the court, or to bring the child, he may be proceeded against as in case of contempt of court. In case the summons cannot be served, or the party served fails to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual, a warrant may issue on the order of the court, either against the parent or guardian or the person having custody of the child, or with whom the child may be, or against the child itself. On their turn of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Pending the final disposition of any case the child may be retained in the possession of the person having the charge of same, or may be kept



in some suitable place provided by the city or county authorities.

#### PROBATION OFFICERS.

SEC. 6. The court shall have authority to appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court; said probation officers to receive no compensation from the public treasury. In case a probation officer shall be appointed by any court, it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer in advance when any child is to be brought before the said court; it shall be the duty of the said probation officer to make such investigation as may be required by the court; to be in court in order to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as the judge may require, and to take such charge of any child before and after trial, as may be directed by the court.

#### DEPENDENT AND NEGLECTED CHILDREN.

SEC. 7. When any child under the age of sixteen (16) years shall be found to be dependent or neglected within the meaning of this act, the court may make an order committing the child to the care of some reputable citizen of good moral character, or to the care of some training school or an industrial school, as provided by law, or to the care of some association willing to receive it, embracing in its objects the purpose of caring or obtaining homes for dependent or neglected children, which association shall have been accredited as hereinafter provided.

#### GUARDIANSHIP.

SEC. 8. In any case where the court shall award a child to the care of any association or individual in accordance with the provisions of this act, the child shall, unless otherwise ordered, become a ward and be subject to the guardianship of the association or individual to whose care it is committed. Such association or individual shall have authority to place such child in a family home with or without indenture, and

may be made party to any proceeding for the legal adoption of the child, and may by its or his attorney or agent appear in any court where such proceedings are pending and assent to such adoption. And such assent shall be sufficient to authorize the court to enter the proper order or decree of adoption. Such guardianship shall not include the guardianship of any estate of the child.

#### DISPOSITION OF DELINQUENT CHILDREN.

SEC. 9. In the case of a delinquent child the court may continue the hearing from time to time, and may commit the child to the care and guardianship of a probation officer duly appointed by the court, and may allow said child to remain in its own home, subject to the visitation of the probation officer; such child to report to the probation officer as often as may be required, and subject to be returned to the court for further proceedings whenever such action may appear to be necessary, or the court may commit the child to the care and guardianship of the probation officer, to be placed in a suitable family home, subject to the friendly supervision of such probation officer, or it may authorize the said probation officer to board out the said child in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until a suitable provision may be made for the child in a home without such payment; or the court may commit the child, if a boy, to a training school for boys, or if a girl, to an industrial school for girls. Or, if the child is found guilty of any criminal offense, and the judge is of the opinion that the best interest requires it, the court may commit the child to any institution within said county incorporated under the laws of this State for the care of delinquent children, or provided by a city for the care of such offenders, or may commit the child, if a boy over the age of ten years, to the State reformatory, or if a girl over the age of ten years, to the State home for juvenile female offenders. In no case shall a child be committed beyond his or her minority. A child committed to such institution shall be subject to the control of the board of managers thereof, and the said board



shall have power to parole such child on such conditions as it may prescribe, and the court shall, on the recommendation of the board, have power to discharge such child from custody whenever in the judgment of the court his or her reformation shall be complete; or the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected and dependent children, and that has been duly accredited as hereinafter provided.

#### TRANSFER FROM JUSTICES AND POLICE MAGISTRATES.

SEC. 10. When, in any county where a court is held as provided in section three of this act, a child under the age of sixteen years, if arrested with or without warrant, such child may, instead of being taken before a justice of the peace or police magistrate, be taken directly before such court; or if the child is taken before a justice of the peace or police magistrate, it shall be the duty of such justice of the peace or police magistrate to transfer the care (case) to such court, and the officer having the child in charge to take such child before that court, and in any such case the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition, as herein provided. In any case the court shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for the purpose.

#### CHILDREN UNDER TWELVE YEARS NOT TO BE COMMITTED TO JAIL.

SEC. 11. No court or magistrate shall commit a child under twelve (12) years of age to a jail or police station, but if such child is unable to give bail it may be committed to the care of the sheriff, police officer or probation officer, who shall keep such child in some suitable place provided by the city or county outside of the inclosure of any jail or police station. When any child shall be sentenced to confinement in any institution to which adult convicts are sentenced, it

shall be unlawful to confine such child in the same building with such adult convicts, or to confine such child in the same yard or inclosure with such adult convicts, or to bring such child into any yard or building in which such adult convicts may be present.

#### AGENTS OF JUVENILE REFORMATORIES.

SEC. 12. It shall be the duty of the superintendent of the State reformatory at Pontiac and the board of managers of the State home for juvenile female offenders at Geneva, and the board of managers of any other institution to which juvenile delinquents may be committed by the courts, to maintain an agent of such institution whose duty it shall be to examine the homes of children paroled from such institutions for the purpose of ascertaining and reporting to said court whether they are suitable homes; to assist children paroled or discharged from such institution in finding suitable employment, and to maintain a friendly supervision over paroled inmates during the continuance of their parole; such agents shall hold office subject to the pleasure of the board making the appointment, and shall receive such compensation as such board may determine out of any funds appropriated for such institution applicable thereto.

#### SUPERVISION BY STATE COMMISSIONERS OF PUBLIC CHARITIES.

SEC. 13. All associations receiving children under this act shall be subject to the same visitation, inspection and supervision of the Board of State Commissioners of Public Charities as the public charitable institutions of this State. The judges of the courts hereinbefore mentioned may require such information and statistics from associations desiring to have children committed to their care under the provisions of this act as said judges deem necessary, in order to enable them to exercise a wise discretion in dealing with children. Every such association shall file with the Board of State Commissioners of Public Charities an annual printed or written report which shall include a statement of the number of children cared for during the year, the number received, the

of the boy or the good of the school would be promoted by such discharge, and the governor may at any time order the discharge of any boy committed to a training school under the provisions of this act.

#### SCHOOL SUBJECT TO VISITATION.

SEC. 346. All training schools for boys in this State organized under this act shall be subject to the same visitation, inspection and supervision of the Board of State Commissioners of Public Charities as the charitable institutions of the State.

#### POWER OF COURT—RESTORATION OF BOY TO PARENTS.

SEC. 347. The court committing any boy to a training school under the provisions of this act shall have power at any time after making such commitment, upon proper showing, to order the discharge of the boy or his restoration to his parents. And shall also have power generally to make all orders relative to boys committed by such court in order to apply the benefits of this act to such boys, and for the purpose of reclaiming such boys, the court may send its writ to any county in this State. Appeals as in other cases shall be allowed from all final orders made by such court under this act.

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1898.

#### CHAPTER LXIV.

#### COUNTY JUDGES AUTHORIZED TO RELEASE, ETC.

SEC. 56. *Be it enacted by the people of the State of Illinois, represented in General Assembly,* That the county judges of the several counties of this State be, and they are hereby, authorized to make such orders as shall be necessary to release from the custody of the keepers of the poor-farms in their respective counties all children confined therein under the age of fourteen years, who have no parents or legal guardians living, whenever the said judge can, without ex-



pense to the county, through the agency of any person or charitable society of this State, secure a good home for said child, and the said judge is hereby authorized, and it is made his duty, to enter into a contract on behalf of such child or children with the person who agrees to take such child, which contract shall provide that said child shall be clothed, maintained and schooled in the common schools of the State until he, if a male child, is twenty-one years old, and, if a female, until she is eighteen years of age.

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VOLUME II, 1896.

CHAPTER LVIII.

FOUNDLINGS—EFFECT OF ABANDONMENT.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That hereafter when any child in this State, under the age of one year, shall be wilfully abandoned by its parents, and shall be taken and cared for by any charitable institution in this State, incorporated or otherwise, such parents so abandoning said child shall thenceforth lose all their right, control and authority over said child, and said right, control and authority shall thereupon become vested in said institution.

LEAVING WITH INSTITUTION, ABANDONMENT.

SEC. 2. It shall be deemed a wilful abandonment, for the purposes of this act, if any such child be left by its parents at any such charitable institution.

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LAWS OF ILLINOIS, 1899.

JUVENILE COURTS—DEFINITIONS.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That this act shall apply only to children under the age of sixteen years not now or hereafter inmates of a State institution or any training school for boys or industrial school for girls, or some institution incorporated under the laws of this State, except

have complied with the requirements of this act, shall be imprisoned in the county jail not more than thirty days, or fined not less than five (5) dollars or more than one hundred (100) dollars, or both in the discretion of the court.

#### RELIGIOUS PREFERENCES.

SEC. 17. The court, in committing children, shall place them, as far as practicable, in the care and custody of some individual holding the same religious belief as the parents of said child, or with some association which is controlled by persons of like religious faith of the parents of the said child.

#### COUNTY BOARDS OF VISITING.

SEC. 18. The county judge of each county may appoint a board of six reputable inhabitants, who will serve without compensation, to constitute a board of visitation, whose duty it shall be to visit as often as once a year all institutions, societies and associations receiving children under this act. Said visits shall be made by not less than two of the members of the board, who shall go together or make a joint report; the said board of visitors shall report to the court from time to time the conditions of children received by or in the charge of such associations and institutions, and shall make an annual report to the Board of State Commissioners of Public Charities in such form as the board may prescribe. The county board may, at their discretion, make appropriations for the payment of the actual and necessary expenses incurred by the visitors in the discharge of their official duties.

#### POWERS OF JUVENILE COURT.

SEC. 19. The powers and duties herein provided to be exercised by the county court or the judges thereof may, in counties having over 500,000 population, be exercised by the circuit courts and their judges as hereinbefore provided for.

#### INDUSTRIAL AND TRAINING SCHOOLS NOT AFFECTED.

SEC. 20. Nothing in this act shall be construed to repeal any portion of the act to aid industrial school(s) for girls, the

act to provide for and aid training schools for boys, the act to establish the Illinois State Reformatory or the act to provide for a State Home for Juvenile Female Offenders. And in all commitments to said institutions the acts in reference to said institutions shall govern the same.

#### CONSTRUCTION OF THE ACT.

SEC. 21. This act shall be liberally construed, to the end that its purpose may be carried out, to wit: That the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and in all cases as may be that which should be given by its parents, and in all cases where it can properly be done, the child be placed in an approved family home and become a member of the family by legal adoption or otherwise.

Approved April 21st, 1899.

#### INDIANA.

#### INDIANA STATUTES, 1894.

#### VOL. II, ARTICLE II.

#### APPLICATION FOR ADMISSION.

SEC. 2999. Whenever application is made for the admission of any blind or deaf-mute person into the State institution for the education of the blind, or that for the deaf and dumb, or the hospital for the insane, as a beneficiary of the privileges thereof, such application shall be accompanied by the certificate of a justice of the peace, that such person is a legal resident of the county of the State of Indiana in which it is claimed that he or she resides.

#### ARTICLE V.

#### THE DEAF AND DUMB—EDUCATION FREE TO RESIDENTS.

SEC. 3073. All mutes of the State shall be entitled to education in the institution free of charge, under such regulations as to age, capacity, character and punctual attendance as the board of trustees shall adopt.



ARTICLE VI.

FEEBLE-MINDED CHILDREN AND SOLDIERS'  
ORPHANS—ASYLUM ESTABLISHED.

SEC. 3076. There is hereby established in this State an institution to be known as the "Asylum for Feeble-Minded Children," and that said institution be located at the Soldiers' Orphans' Home, near Knightstown, in Rush county, Indiana. The charge and management of said institution (except as hereinafter provided) shall be entrusted to a board of trustees consisting of three, which trustees or board shall consist of a least one woman, and the male members thereof shall be honorably discharged Union soldiers. \* \* \*

ORPHANS' HOME.

SEC. 3090. There shall be established at the Knightstown Springs, Rush county, Indiana, a home for the maintenance of sick and disabled Indiana soldiers and seamen, and their orphans and widows, to be called the "Indiana Soldiers' and Seamen's Home."

REQUISITES FOR ADMISSION.

SEC. 3095. The necessitous persons admitted to the Home shall be in the following order:

First. Totally disabled soldiers and seamen.

Second. Partially disabled soldiers and seamen.

Third. Orphans under fifteen years of age, of deceased soldiers and seamen, without father or mother.

Fourth. Orphans under fifteen years of age, of deceased soldiers and seamen, whose mothers are living.

Fifth. Widows of deceased soldiers and seamen.

FEEBLE-MINDED SCHOOL IN ALLEN COUNTY.

SEC. 3105. That there shall be established and maintained in this State at or near the city of Fort Wayne, Allen county, Indiana, an institution to be known as the "Indiana School for Feeble-Minded Youth." The general charge and management of said institution shall be intrusted to a board

of trustees consisting of three members, who shall be appointed by the governor of this State. \* \* \*

#### PURPOSE OF INSTITUTION.

SEC. 3107. The purposes of this institution shall be to care for, support, train and instruct feeble-minded children, the term feeble-minded to include idiotic, epileptic and paralytic children.

#### DEPARTMENTS.

SEC. 3108. The institution is to be divided into two distinct departments. One industrial, the other custodial. The industrial department is to be a department for culture, in which shall be placed such feeble-minded children who are actually in a practical sense capable of improvement, in which the rudiments of a common school education are to be taught in connection with, and subordinate to, culture in manual and industrial occupations. The objective point to be attained in this department is future usefulness, self-care and self-support. The custodial department shall be an asylum for low-grade, feeble-minded, idiotic, epileptic children. In this department special attention shall be paid to mental, physical and hygienic treatment.

#### ARTICLE VII.

##### INDUSTRIAL EDUCATION.

SEC. 3136. The superintendents of the aforesaid benevolent institutions, namely, the Indiana Institution for the Education of the Deaf and Dumb, the Indiana Institution for the Education of the Blind, and the Indiana School for Feeble-Minded Youth, acting under the control and supervision of the respective boards of trustees of said institutions, are hereby authorized and required to provide for appropriate industrial education of their pupils under similar rules and methods to those of the scholastic instruction, namely, by means of teachers hired by said superintendents as other teachers are hired, and subject on all points to the same control as all other teachers, officers and employés of the said institutions.



## HOW CONDUCTED.

SEC. 3137. The industrial education of the said pupils in the aforesaid institutions and school shall, as far as possible, be conducted in such manner as to make said pupils fit and able to earn their own support when they shall have been graduated or otherwise discharged from said institutions or school, and not chiefly or mainly, so as to make any profit or revenue.

## CARE AND CONTROL OF CHILDREN.

SEC. 3172. The boards of directors, trustees or managers of any orphans' home, or of any home for orphan and destitute children, shall have the care, custody, control and guardianship of any and all children living in such homes and for the time agreed upon in such written agreement, and may, when it may seem proper and best, place them in suitable homes, having regard for the moral and religious character of the persons with whom such children are placed, in order to secure to them the benefits of good example and wholesome instruction and the opportunity of becoming intelligent and useful men and women.

## ARTICLE X.

### BOARD OF CHILDREN'S GUARDIANS—APPOINTMENT AND TERM.

SEC. 3187. That in all counties of this State which have a population of more than fifty thousand inhabitants, as shown by the United States census for the year 1890, there shall be created a board, composed of six persons, three of whom shall be women, which board shall be a body—politic and corporate, known as the board of children's guardians of ——— county, and in such name may sue and be sued. The members of such board shall be appointed by the circuit court of such county, and shall serve without compensation. \* \* \*

### POWERS AND DUTIES.

SEC. 3188. Said board shall have the care and supervision of neglected and dependent children under fifteen years

of age, in the township for which they are appointed, and shall have the power to take under their control in the manner hereafter specified, any children abandoned, neglected or cruelly treated by their parents; children begging on the streets; children of habitually drunken or vicious and unfit parents; children kept in vicious or immoral association; children known by their language and life to be vicious or incorrigible; juvenile delinquents and truants. Said board shall provide a temporary home where such children as may be committed to their care be suitably and comfortably maintained and educated, especial attention being given to their moral training. They shall have the power by leave of the circuit court of the county in which such township is located, to commit such children to orphan asylums, the house of refuge or Indiana reformatory for women and girls, or under the order of the court said children may be indentured as apprentices or be adopted without the consent of the parents of said child, by the consent of said board filed in the circuit court; or such children may be in any manner disposed of by said board as the circuit court upon written petition shall direct: *Provided*, That in committing children to the reform school for boys, the court shall be governed by the law regulating commitments to that institution in every particular, and that law shall not be deemed to be repealed in any part by this act.

## ARTICLE II.

### BOARD TO BE APPOINTED—PRESIDENT.

SEC. 3193. That the governor shall appoint six persons, three from each of the two leading political parties which cast the highest number of votes at the last general election, who shall constitute a "Board of State Charities," to serve without compensation.

### DUTIES.

SEC. 3194. That the Board of State Charities shall be provided with a suitable room in the State house. Regular meetings of the board shall be held quarterly, or oftener, if required. They may make such rules and orders for the regulation of their own proceedings as they may deem neces-



sary. They shall investigate the whole system of public charities and correctional institutions of the State, examine into the condition and management thereof, especially of prisons, jails, infirmaries, public hospitals and asylums; and the officers in charge of all such institutions shall furnish to the board, on their request, such information and statistics as they may require; and, to secure accuracy, uniformity and completeness in such statistics, the board may prescribe such forms of report and registration as they may deem essential; and all plans for new jails and infirmaries shall, before the adoption of the same by the county authorities, be submitted to said board for suggestion and criticism. The board, in its discretion, may at any time make an investigation by the whole board, or by a committee of its members, of the management of any penal, reformatory, or charitable institution of the State; and said board or committee, in making any such investigation, shall have power to send for persons and papers, and to administer oaths and affirmations; and the report of such investigation, with the testimony, shall be made to the governor, and shall be submitted by him, with his suggestions, to the General Assembly.

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#### INDIANA STATUTES, 1894.

##### ASYLUMS FOR THE POOR—POOR CHILDREN TO BOUND OUT.

SEC. 8168. It shall be the duty of the overseers of the poor of the different townships, and also of the superintendents of the county asylums, to bind out such poor children as fall under their care and charge from time to time; and it shall also be the duty of said overseers to see that children, so bound, be properly treated by the persons to whom they are bound, and to take legal means for redress in case of maltreatment.

##### EDUCATION OF POOR CHILDREN.

\* SEC. 8172. Whenever it shall be necessary and practicable, poor children of the asylum, who cannot be bound out,

or whom it may not be expedient to bind out as apprentices, shall be educated thereat.

#### SUPERINTENDENT TO SEND TO SCHOOL.

SEC. 8173. It shall be the duty of the superintendent of any asylum erected or established by law to superintend and direct the education of such poor children, according to the preceding provisions of this act; and, for the purpose of carrying the same into effect with the least possible expense, it shall be the duty of said superintendent to send them to the common school in the district in which the asylum is situated during the continuance of its sessions.

#### MATRON TO KEEP RECORD—OTHER DUTIES.

SEC. 8185. It shall be the duty of each matron under this act to keep a complete record of all children placed in her care, stating the name and age, the names of the parents, if known, the place of nativity of each child, the date of its reception by her, the name and residence of the person with whom each child is placed or put out; from time to time to visit and examine into the condition and treatment of each child so put out by her, and to make report thereof to the board of commissioners of her county; and if at any time it be found that a child so placed out is not being properly treated, provided for, and schooled, as required by this act and the agreement entered into, such board of commissioners shall authorize such matron to take such child from the person with whom placed, and to care for the same until a suitable home can be procured; and where necessary to obtain the custody of such child, or to obtain redress for injury to such child, such board shall authorize and direct the proper suit or suits to be instituted and prosecuted at the expense of the county. \* \* \*

#### NAME CHANGED.

SEC. 8255. That the name of the Indiana Reformatory Institution for Women and Girls be changed to the Reform School for Girls and Women's Prison.

BOARD OF MANAGERS TO BE WOMEN—BOARD  
OF AUDIT.

SEC. 8256. The general supervision and government of said institution shall be vested in a board of managers, consisting of three persons, who shall be women, to be known and designated as the "Board of Managers of the Indiana Reformatory Institution for Women and Girls." \* \* \*

MANAGEMENT—BUILDINGS.

SEC. 8259. The said institution shall consist of two separate and distinct departments, one of which shall be designated as the "reformatory department," and the other as the "penal department." Both of said departments shall be under the management of the same officers, but separate buildings for the inmates of each department shall be provided on the same grounds.

PENAL DEPARTMENT.

SEC. 8267. The penal department of said institution shall be used for the imprisonment, safe custody and reformation of such women and girls as shall heretofore have been convicted of criminal offenses and sentenced to the State prison at Jeffersonville, and who are now undergoing imprisonment in that prison, in pursuance of such sentences; and also of such women and girls over the age of fifteen years, who may hereafter be sentenced to imprisonment in the penal department of the institution created by this act, upon conviction, by any court of competent jurisdiction, of any crime for which such woman or girl might, prior to the passage of this act, have been sentenced to said State prison.

NAME CHANGED.

SEC. 8300. That the house of refuge for the correction and reformation of juvenile offenders shall hereafter be known as the "Indiana Reform School for Boys."

DUTIES OF SUPERINTENDENT.

SEC. 8304. The superintendent shall reside at the institution, and have charge of the buildings and other property,



and of the boys committed to said institution. He shall govern said boys in accordance with such rules and regulations as the board of control may prescribe, and shall employ such methods of discipline as will, as far as possible, reform their characters, preserve their health, promote regular improvement in their studies, trades and employment, and secure to them fixed habits of industry, morality and religion, and shall see that they are well instructed in all the elementary branches of an education.

#### INFANTS—HOW RECEIVED.

SEC. 8308. Whenever said institution shall have been so far completed as to properly admit of the reception of youths therein, the governor shall make due proclamation of that fact; and, thereafter, it shall be lawful for said board of commissioners to receive into its care and guardianship infants between the ages of seven and eighteen years, committed to its custody in either of the following modes:

First. Infants committed by any judge or a circuit or criminal court, on the complaint, in writing, filed and due proof thereof, by the parent or guardian of such infant, that, by reason of incorrigible or vicious conduct, such infant has rendered his control beyond the power of such parent or guardian, and made it manifestly requisite that, from a regard to the future welfare of such infant and for the protection of society, he be placed under such guardianship.

Second. Infants committed by any judge of a circuit or criminal court where complaint in writing has been filed, and due proof of the same has been made, that such infant is a proper subject for the guardianship of said institution, in consequence of vagrancy or of incorrigible or vicious conduct, and that from the moral depravity or otherwise of the parent or guardian in whose custody such infant may be, such parent or guardian is incapable or unwilling to exercise the proper care or discipline over such incorrigible or vicious infant.

Third. Infants committed by any judge of a circuit or criminal court where complaint in writing has been filed, and due proof of the same has been made by the trustees of the township where such infant resides, or by the mother when

the father is dead or has abandoned his family, or is an habitual drunkard, or does not provide for the support of such infant, that such infant is destitute of a suitable home and of adequate means of obtaining an honest living, or is in danger of being brought up to lead an idle and immoral life.

#### WHEN MAY BE COMMITTED.

\* SEC. 8310. If any boy over the age of eight years, and under the age of sixteen years, be arraigned for trial in any court having criminal jurisdiction, on a charge of any violation of any criminal law of this State, the court or jury trying the same may commit said boy to this institution instead of the jail of the county or State's prison; and the judge may, with the consent of the accused, arrest at any stage of the cause any further proceedings on the part of the prosecution, and commit the accused to the guardianship of said institution: *Provided*, That no commitment shall be for a shorter period than until the boy shall attain the age of twenty-one years. At any time before judgment the proceedings may be arrested and the accused sent to the reformatory.

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### KENTUCKY.

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#### SUPPLEMENTAL KENTUCKY STATUTES, 1899. TO ESTABLISH HOUSES OF REFORM—NAME AND NUMBER OF HOUSES OF REFORM—APPRO- PRIATIONS FOR.

SECTION I. That there shall be established in this Commonwealth, immediately after the taking effect of this act, two institutions, one for girls, to be known as the "House of Reform for Girls" and one for boys, to be known as the "House of Reform for Boys."

#### PLAN OF BUILDINGS—REGULATIONS AS TO IN- MATES.

SEC. 7. In the construction of the buildings herein provided for, and in the arrangement of the grounds, all cells, bars and grates shall, as far as practicable, be omitted, and



what is known as the "cottage family plan" shall be adopted, as it commends itself by accomplished facts as the most intelligent, economical and successful system in use. Each of these family houses shall be occupied by from eighteen to twenty-five girls or boys, with their matron, teacher and housekeeper. The inmates of each cottage shall be as nearly as is possible of the same character, as regards innocence or culpability, and each of said cottages, in their general arrangement and discipline, resemble, as nearly as is possible or practicable, a well-ordered and regulated home.

#### OBJECTS OF INSTITUTIONS.

SEC. 8. The object of these institutions shall be, not merely a place of detention, but the reformation of those who, by reason of vicious conduct or moral depravity, have rendered themselves burdensome to their relations as well as to society, and who may be, under the provisions of this act, committed to these said institutions; and it shall be the duty of each and every officer of said institutions to see that all rules and regulations are strictly enforced and observed. Kindness, firmness and competency are qualifications which shall be required of all officers and employes, and it shall be incumbent on them to see that a kind and proper tone of feeling is observed among the inmates, and, by example and precept, to do everything in their power to reclaim and improve the moral character of the boys and girls under their care, fitting them to become good citizens and useful members of society.

#### INMATES MAY BE APPRENTICED.

SEC. 11. The board of trustees shall have power, and it shall be their duty in proper cases, to bind out such boys and girls as are proper subjects for apprenticeship to responsible and reputable persons, until they are twenty-one years of age, to learn such trades or employments as in their judgment will tend to his or her future benefit, stipulating in the indentures for the proper and needful schooling and other proper terms, and from time to time ascertaining whether the obligations of the master or mistress are fully and rightfully

performed, and if not, applying such remedy as may suggest itself as proper. Scrupulous regard shall always be had to the religious or moral character of those to whom boys or girls may be bound, that such boy or girl may have the advantage of a correct training in these respects, and a good example and wholesome instruction. The trustees shall retain jurisdiction over such boys or girls thus bound out, and in proper cases order their return to the institution from which they were bound out. And no discharge from either of said institutions, unless absolute, shall defeat this jurisdiction and prevent any inmates from being recalled or returned for sufficient reasons, of which the trustees are to judge.

#### INMATES—DUTIES OF COURTS IN COMMITTING.

SEC. 13. When any boy or girl is brought before any circuit, county or, in cities of the first or second class, police court, being under the age of eighteen years, it shall be lawful for such court, or any of them, in its discretion, to commit such boy or girl to said houses of reform for any period of time not exceeding the minority of such child, in the following cases:

1. Upon complaint of parent or guardian, supported by satisfactory evidence, that by reason of incorrigible and vicious conduct such boy or girl is not subject to the control of such parent or guardian. \* \* \*
2. Upon complaint made by any peace officer or citizen, supported by satisfactory evidence. \* \* \*
3. Upon conviction in any of the said courts of any crime. \* \* \*

#### INSTRUCTION OF INMATES.

SEC. 18. The inmates of said institution shall, in addition to a common school education, receive instruction in such branches of industry, agricultural, mechanical, domestic, et cetera, as the board may, from time to time, determine; the reformation of the inmates and preparation for future self-support being kept steadily in view in the administration of these institutions; and, as conducive to these ends, the



board shall introduce and carry on such branches of industry and manual training as are adapted to the age and capacity of the inmates. As far as practicable, agriculture, including horticulture, poultry raising, dairying, dressmaking, tailoring, systematic teaching of all domestic industries, and skilled cooking, shall be taught and practised by the boys and girls in such thorough and comprehensive manner as to make these institutions model schools for these particular branches, and to this end competent persons shall be employed as instructors in these branches. The inside and outside work of said institutions shall be performed by the inmates thereof.

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THE KENTUCKY STATUTES, 1894.

AGES OF CHILDREN—WHAT CHILDREN RECEIVED—WHEN EXPENSES TO BE PAID—REMOVAL OF CHILDREN.

SEC. 268. The ages of children received into the institution shall not be less than six nor more than eighteen years, and all feeble-minded children in the State between said years, whose mental condition is such that, in the judgment of the superintendent, they may be taught to read and write, or can be educated or trained to do work, may be admitted to the institution upon the inquest of a jury, who shall find the facts concerning such persons as provided in cases of inquest of lunacy. A copy of the inquest shall be sent with the child to the superintendent. The superintendent, with the consent of the board of commissioners, shall return to the county judge of the county from which they are sent, after reasonable notice to him, all pupils that, in their opinion, further attempts to educate and train will not prove beneficial to the State, and shall, with his annual report to the governor, state the facts concerning any child so returned, and it shall be the duty of the county judge to whom a child is returned to make such provision therefor as may be provided by law. \* \* \*

COLORLED DEAF MUTES—INSTITUTION FOR.

SEC. 282. That an institution for the education of the colored deaf mutes be established at Danville, Ky., which

shall be under the general control and management of the same board of commissioners as now have charge of the institution for the white deaf mutes. But the two races shall be forever kept entirely separate and distinct from each other.

PUPILS—APPORTIONMENT BETWEEN COUNTIES.

SEC. 284. Indigent children, residing anywhere within the State, shall be received into the institution, maintained and educated gratuitously so far as the funds of the institution will admit: *Provided*, That when more children shall be offered for the benefit of the institution than can be received at any one time, the trustees shall so apportion their number among the several counties of this Commonwealth according to their representation, when application shall be made, that every county shall equally receive the benefit of the same.

KENTUCKY INSTITUTION FOR THE BLIND—  
APPROPRIATION HERETOFORE MADE  
TO CONTINUE.

SEC. 306. That to enable said board of visitors to defray and pay the expenses of said institution, and provide the necessary supplies of food, clothing, and other proper and necessary things, the annual appropriation heretofore made for said institution shall be continued to be drawn as heretofore authorized by law.

APPROPRIATION—ANNUAL FOR COLORED  
CHILDREN.

SEC. 310. That the further sum of three thousand dollars be, and the same is hereby, appropriated, to be paid annually in equal quarterly instalments, for the sole and exclusive use of the colored blind children of this Commonwealth, which money shall be expended in a similar manner and under the same limitations that the money appropriated for the use of the white blind children in said institution is now expended. \* \* \*

## COLORED CHILDREN—PROVISION FOR EDUCATION.

SEC. 311. That the blind children aforesaid, when such buildings shall have been erected, shall be entitled to receive on equal terms their due proportion, according to numbers, of rights, benefits, and privileges secured to the white blind children of this Commonwealth by the act establishing the Kentucky Institution for the Education of the Blind, and all subsequent enactments in relation thereto: *Provided, however,* That the blind children of both races shall be under the same general management and under one and the same superintendent. \* \* \*

## CHAPTER XVIII.

VAGRANT, DESTITUTE AND MALTREATED  
CHILDREN—PROVISIONS CONCERNING—  
JURISDICTION AND POWERS OF  
COURT.

SEC. 325. That any child actually or apparently under sixteen years of age who is found, first, publicly begging or receiving, or soliciting alms in any manner, or under false pretense; or second, not having any home or other place of abode, or who has been abandoned, or habitually treated with cruelty or neglect by its parents or other persons having it in charge, or who is in a state of want or of suffering caused by being wilfully deprived of the necessities of life; or third, destitute of the means of support, being an orphan or living with or in custody of parent or guardian who is habitually idle and dissolute in habits, and without visible means of support, or who has been convicted of a crime against the person of such child; or fourth, coming within any of the descriptions of children mentioned in section two of this act, may, upon proper affidavit and warrant, be arrested and brought before a court or magistrate having jurisdiction, as a vagrant or destitute child. Such court or magistrate may commit the child to any charitable reformatory, or other institution authorized to take charge of minors, or may make any disposition of the child such as now is or

hereafter may be authorized in cases of paupers: *Provided, however,* As far as practicable, the wishes of the parent or statutory guardian of said minor may be gratified in selecting the charitable reformatory, or other institution for such infants as are described herein, and as to the religious denominations of such charitable reformatory or institution. \* \* \*

## CHAPTER LX.

### APPOINTMENT OF BOARD IN COUNTIES HAVING CITIES OF THE FIRST CLASS—TERMS OF OFFICE.

SEC. 2008. That in all counties of this Commonwealth in which there may be a city of the first class there shall be created a board to be composed of six persons, two of whom shall be colored, which board shall be a body-politic and corporate, and shall be known as the board of children's guardians of said county, and in such name may sue and be sued. The members of said board shall be appointed by the judge of the city or police court, and shall serve without compensation, and the city or police judge shall be *ex-officio* member of said board. Two members of such board shall serve one year when their successors shall be appointed, who shall serve three years. \* \* \*

### POWERS AND DUTIES OF BOARD—PROVISION FOR TEMPORARY HOMES.

SEC. 2009. Said board shall have the care and supervision of all neglected and dependent children under sixteen years of age in the county for which they are appointed, and shall have the power to take under their care and control, in the manner hereafter specified, any children abandoned, neglected, or cruelly treated by their parents; children begging on the streets; children of habitually drunken or unfit parents; children kept in vicious or immoral associations; children known by their language and life to be vicious or incorrigible; all children of parents living together in unlawful cohabitation. Said board shall provide a temporary home, where such children as may be committed to their care may



be suitably and comfortably maintained and educated, special attention being given to their moral training. They shall have the power, by leave of the judge of said court, to commit such children to orphan asylums, industrial schools, or State reformatory, or, under the order of any court having jurisdiction, said children may be indentured as apprentices, or may, by the consent of said board filed in the circuit court, be adopted without the consent of the parents of said child; or such children may be in any manner disposed of by said board as the said court, upon written petition, shall direct: *Provided*, That in committing children to the Industrial School of Reform, the court shall be governed by the law regulating commitment to that institution in every particular, and that law shall not be deemed to be repealed, in any part, by this act: *And provided further*, That in all indentures of apprenticeship made under this act special provision shall be made for the moral training of such apprentice, and said board shall have full power, and it shall be its special duty to enforce such contract, see that the apprentice renders due obedience and service, and that his moral training and industrial education is not neglected, and that he or she is humanely treated, and comfortably provided for. For such purposes the board shall at all times retain its powers as guardian of such infant.

## LOUISIANA.

### REVISED LAWS OF LOUISIANA, 1896.

#### JUVENILES CONVICTED IN NEW ORLEANS.

SEC. 1006. The judges of the several courts of the city of New Orleans, exercising criminal jurisdiction, are hereby authorized and empowered to sentence all persons under the age of fifteen years, convicted of any crime not capital, to the house of refuge, instead of the penitentiary or parish prison.

#### MINORS AS VAGRANTS.

SEC. 3879. If any child be found begging alms, or soliciting charity from door to door, or in any street, highway

or public place, such child shall be deemed a vagrant, and any justice of the peace of the parish, or any recorder of the city of New Orleans, shall commit such child to such a place of refuge as may be provided by the parochial authorities, and, if in the city of New Orleans, to the house of refuge of the city, or to some asylum in accord with the religious belongings or training of the child, or to the Society for the Prevention of Cruelty to Children; and the said child shall be there detained, occupied, employed and instructed in such labor as it shall be able to perform, until discharged therefrom under the rules of the place of refuge, or bound out by apprenticeship by the administrator of such place of refuge, or by the parochial authorities (as amended by Act 28, 1892, page 37).

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## KANSAS.

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### GENERAL STATUTES OF KANSAS, 1897.

SEC. 367. Whenever any person under the age of sixteen years shall be convicted of any felony he shall be sentenced to imprisonment in a county jail not exceeding one year, instead of confinement and hard labor, as prescribed by the preceding provisions of this act.

SEC. 368. Whenever any person under the age of sixteen years shall be convicted of any offense known to the laws of this State, and punishable by imprisonment, the court or justice (as the case may be) before whom such conviction shall be had may at its discretion sentence such boy to the State reform school, or to such punishment as is now provided by law for the same offense, and if the sentence shall be to the reform school, then it shall be in the alternative, to the State reform school or to such punishment as would have been awarded if this act had not been passed.

SEC. 30. Any duly incorporated society having for its object, either solely or in conjunction with other charitable labor, the protection of children, and employing an agent to aid in its work, may apply to the mayor of any city for the appointment of such agent as a special police officer; and if



the mayor shall deem such agent to be trustworthy and discreet, it shall be his duty to commission such agent as a special policeman. In cities in which the police force is under the control of a board of commissioners, such application shall be made to and such appointment may be made by such board of commissioners.

SEC. 31. Such officers are also hereby empowered to bring before any such magistrate (any magistrate having authority to issue warrants under section 7 of the Criminal Code) any child who is subjected to cruel treatment, wilful abuse, or neglect, or any child under sixteen years of age found in a house of ill-fame; and said magistrate may, with the consent of the constituted authorities thereof, commit such child to an orphan asylum, or other public charitable institution in the county in which such magistrate resides, or make such other disposition thereof as now is or hereafter may be provided by law in the case of vagrant, destitute or abandoned children: *Provided*, That any guardian or near relative who may feel aggrieved by any order in the premises of any magistrate (other than a judge of the supreme court or a judge of a district court) may appeal therefrom to the district court of the county or district in which such magistrate resides, which appeal shall be heard and determined without delay by said district court.

SEC. 34. Any corporation heretofore organized under the laws of the State of Kansas having for its purpose the establishment and maintenance of a children's home for the control and management of destitute and friendless children, is hereby authorized and empowered to receive and retain such children, and provide them with homes until they reach their majority, upon such terms as the board of directors of such corporation may determine.

SEC. 35. Any parent or parents unable to provide for their children, or furnish them the necessary support, may relinquish to such corporation in writing the control and management of such children; and if the board of directors of said corporation, or the president thereof, shall accept such control and management, such corporation shall thereupon be vested with the custody and management of said children

as provided in section three of this act (the section next following).

SEC. 36. Such corporation shall have the legal custody of all children which have heretofore been received into such home or as shall hereafter be committed to it by the legal or natural guardian or guardians of such children, or by any magistrate of any county in which such home is located, with the consent of the board of directors of such home; and in any of the above cases such corporation, through its directors or president, shall have and possess over such children all the rights appertaining to the natural or legal guardians; and the board of directors of such corporation may in their discretion make any suitable or proper provision for the care and custody of such children for a term of years, or until such children reach their majority; and the president of the board of directors of any such corporation may appear in the probate court of any county where such home or asylum is located, without the consent of either parent or guardian, and consent to the adoption of such children conformably to the laws of the State concerning apprentices.

SEC. 40. The Leavenworth Protestant Orphan Asylum and Home for Friendless Children, heretofore duly incorporated under the laws of the State of Kansas, is hereby authorized and empowered to receive and retain orphan, destitute and friendless children, and provide the same with homes for such time, not exceeding their majority, and upon such terms as the board of directors of said asylum may determine.

SEC. 99. The board of trustees of the charitable institutions of the State of Kansas shall have the management and control of the State reform school, subject to the same provisions of law which govern their connection with the charitable institutions of the State.

#### WHAT PERSONS MAY BE COMMITTED TO REFORM SCHOOL.

SEC. 101. Whenever any boy under the age of sixteen years shall be convicted of any offense known to the laws of this State, and punishable by imprisonment, the court or



justice (judge), as the case may be, before whom such conviction shall be had, may at its discretion sentence such boy to the State reform school or to such punishment as is now provided by law for the same offense, and if the sentence shall be to the reform school, then it shall be in the alternative, to the State reform school, or to such punishment as would have been awarded if this act had not been passed.

SEC. 102. Courts of record and probate courts of the State shall have power to commit to the reform school. First. Any boy under sixteen years of age who may be liable to punishment by imprisonment under any existing law of the State or any law that may be enacted and in force in the State. Second. Any boy under sixteen years of age, with the consent of his parent or guardian, against whom any charge of committing any crime or misdemeanor shall have been made, the punishment of which on conviction would be confinement in jail or prison. Third. Any boy under sixteen years of age who is incorrigible, and habitually disregards the commands of his father or mother or guardian, and who leads a vagrant life, or resorts to immoral places or practices, and neglects and refuses to perform labor suitable to his years and condition, and to attend school: *Provided*, That before said court shall commit such boy it shall cause to be filed a complaint setting forth the charges complained of in writing, and before it shall investigate said charges it shall give at least five days' notice to all persons interested of the filing of said complaint and the time and place of hearing of the same; and if on the final hearing of said complaint he is satisfied that said complaint is true, and that the case comes under the provisions of this act, he may commit.

SEC. 104. If any boy under the age of sixteen years shall be arraigned for trial in any court of the State on any charge of violation of any of the laws of the State which would upon conviction subject him to the liability of imprisonment, the court may, with the consent of the accused, arrest at any stage of the cause any further proceedings on the part of the prosecution and commit said boy to the reform school.

SEC. 105. All boys under the age of sixteen years who

may be accused of any offense punishable by the laws of the State shall be entitled to a private examination and trial, to which only the parties to the case shall be admitted, unless one of the parents, the guardian or other legal representative, demand a public trial, in which case all proceedings shall be in the usual form.

## GENERAL STATUTES OF KANSAS, 1899.

### ARTICLE XXXI.

#### INDUSTRIAL SCHOOL FOR GIRLS.

ARTICLE 31. For the purpose of erecting and equipping an industrial school for girls at Beloit, Kansas, there is hereby appropriated \* \* \*

#### BOARD—CHARITABLE INSTITUTION.

SEC. 6819. The board of trustees of the charitable institutions of the State of Kansas shall have the management and control of said industrial school for girls, subject to the same provisions of law which govern its connection with the (other) charitable institutions of the State, and may remove to the industrial school for girls any girl who may be detained in any of the charitable institutions of the State who in the judgment of the board is of like character, conduct and age as those who by the provisions of this act are admissible to the said industrial school for girls.

SEC. 124. Whenever any girl under the age of sixteen years shall be convicted of any offense known to the laws of the State and punishable by imprisonment, the court or justice (judge), as the case may be, before whom such conviction shall be had may at his discretion sentence such girl to the State industrial school for girls, or to such punishment as now provided by law for the same offense. If the sentence shall be to the industrial school for girls, then it shall be in the alternative, to the State industrial school for girls or to such punishment as would have been awarded if this act had not been passed.

SEC. 125. Courts of record and probate courts of the State shall have power to commit to the State Industrial School for Girls: First. Any girl under sixteen years of age



who may be liable to punishment by imprisonment under any existing law of the State. Second. Any girl under sixteen years of age, with the consent of her parent or guardian, against whom any charge of committing any crime or misdemeanor shall have been made, the punishment of which on conviction would be confinement in jail or prison. Third. Any girl under sixteen years of age who is incorrigible, and habitually disregards the commands of her father, mother, or guardian, and who leads a vagrant life, or resorts to immoral places or practices, and neglects or refuses to perform labor suitable to her years and condition, and to attend school: *Provided*, That before said court shall commit such girl it shall cause to be filed a complaint setting forth the charges complained of in writing; and before it shall investigate such charges it shall give at least five days' notice to all persons interested of the filing of said complaint and the time and place of hearing the same; and if on final hearing of said complaint he is satisfied that said complaint is true, and that it comes under the provisions of this act, he may commit. (See section 102 of this chapter.)

SEC. 127. If any girl under the age of sixteen years shall be arraigned for trial in any court in this State on any charge of violation of any laws of the State which would upon conviction subject her to the liability of imprisonment, the court may, with the consent of the accused, arrest at any stage of the cause any further proceedings on the part of the prosecution and commit said girl to said industrial school. All girls under the age of sixteen years who may be accused of any offense punishable under the laws of the State shall be admitted, unless one of the parents, the guardian or other legal representative demand a public trial, in which case all proceedings shall be in the usual form.

#### GENERAL STATUTES OF KANSAS, 1899.

#### ARTICLE XXII.

#### INSTITUTION FOR THE DEAF AND DUMB.

SEC. 6647. Board of trustees shall appoint a principal, etc.

SEC. 6652. Name is changed to Kansas Institution for the Education of the Deaf and Dumb.

ARTICLE XXI.

INSTITUTION FOR THE BLIND.

SEC. 6643. Trustees and their duties.

SEC. 6644. If the friends of any blind pupil in the State of Kansas shall fail to provide clothing and funds, it shall be the duty of the overseer of the poor to investigate and if necessary provide funds.

ARTICLE XXIII.

ASYLUM FOR FEEBLE-MINDED YOUTH.

SEC. 6654 That there shall be established and organized as soon as possible, and within six months from the passage of this act, an institution for the education of idiotic and imbecile children, to be denominated the "Kansas State Asylum for Idiotic and Imbecile Youth."

ARTICLE XXXI.

INDUSTRIAL SCHOOL FOR GIRLS—APPROPRIATION.

SEC. 6812. For the purpose of erecting and equipping an industrial school for girls at Beloit, Kansas, there is hereby appropriated, etc.

BOARD OF CHARITABLE INSTITUTIONS.

SEC. 6819. The board of trustees of the charitable institutions of the State of Kansas shall have the management and control of said industrial school for girls, etc.

AGE OF GIRLS.

SEC. 6821. Whenever any girl under the age of sixteen years shall be convicted of any offense known to the laws of the State and punishable by imprisonment, the court of justice, as the case may be, before whom such conviction shall be had, may at its discretion sentence such girls to the State industrial school for girls, or to such punishment as now provided by law for the same offense. If the sentence shall be to the industrial school for girls, then it shall be in the alternative, to the State industrial school for girls or to such punishment as would have been awarded if this act had not been passed.



## MISSOURI.

## REVISED STATUTES OF MISSOURI, 1889.

## VOLUME I.

## MINORS PUNISHED—COMMUTATION OF SENTENCE.

SEC. 3961. Whenever any person shall be convicted of any felony committed while under sixteen years of age, he shall be sentenced to confinement in the reformatory school for a period of one year or over, or until he shall become twenty-one years of age, or to imprisonment in the county jail not exceeding one year, instead of imprisonment in the penitentiary, as prescribed by the preceding provisions of this law: *Provided*, That the court before which the case is tried shall have power, in all cases where the person convicted as aforesaid is over sixteen and under eighteen years of age, if in its opinion the facts warrant it, to commute the sentence to confinement in the reformatory school for the period as hereinbefore provided, or to imprisonment in the county jail for a term not exceeding one year: *And provided further*, That if any minor under the age of eighteen years shall be convicted and sentenced to suffer death, the governor shall have the power to commute such sentence to imprisonment in the penitentiary for a term not less than two years. (Revised Statutes, 1879, section 1666; Amended Laws, 1887, page 166.)

## REVISED STATUTES OF MISSOURI, 1889.

## VOLUME II.

## CHAPTER LXXVII.

GUARDIANSHIP OF FRIENDLESS CHILDREN—  
SOCIETY—WHEN MAY ASSUME  
GUARDIANSHIP.

SEC. 5337. Any society incorporated under the laws of the State of Missouri, in accordance with the provisions of Chapter XLII, Article X, of the Revised Statutes of 1889,

having as its object, or as one of its objects, the care or protection of abandoned, ill-treated and friendless children, may act as guardians of the persons of any children when appointed according to the provisions of this chapter.

#### HOW, AND WHEN APPOINTED.

SEC. 5338. The probate court of any county or city may, upon the application of any society duly incorporated for the purposes specified in the last preceding section, and being first satisfied of the ability and purpose of such society to properly keep and care for such child or children, appoint it guardian of any such child or children under the age of fourteen years found within the jurisdiction of the said court, if it shall appear that such child or children have been abandoned by his or their parents, or his or their parents are incompetent or unfit for the duties of guardianship, or if no such suitable person can be found, who is able and willing to take the duties of guardianship.

#### APPLICATION FOR APPOINTMENT SHALL STATE WHAT.

SEC. 5339. The application shall state the name and place of residence of the child and of the parents, and the circumstances of the abandonment, ill-treatment or neglected condition, so far as known, and ten days' notice shall be given to the parents, if their place of residence is known, or if such place of residence is not known, to the person, if any, actually in charge of the child before such application is heard and determined. Unfitness or incompetency of the parents shall be determined by a jury, if one is demanded. The probate court may, at any time after the appointment, revoke the power given to said society, upon satisfactory proof that such revocation is for the best interests of the child.

#### POWERS AND DUTIES OF.

SEC. 5340. When appointed guardian of any such children, the said society shall have all the powers and duties



of guardian of the persons of said children until they shall reach the age of fourteen years, when they shall be permitted to choose guardians for themselves, subject to the approval of the court.

#### WHEN AND HOW CHILD TO BE TAKEN.

SEC. 5342. Any such society may make a statement to the probate court of any county or city, or to the judge thereof in vacation, which statement shall be verified by the oath of some competent person, that there is a child within the jurisdiction of the court suffering from neglect or ill-treatment. If the court or judge shall be satisfied, upon the statement presented or affidavits filed therewith, that the child is suffering from neglect or ill-treatment, the court or judge may, in its discretion, by writ in proper form, direct the sheriff of the county or city to take the child and deliver it into the custody of the society, and it shall be the duty of such sheriff to obey such writ. The child shall remain in the custody of the society, subject to the order of the court or judge, for a period of not more than thirty days, and if an application shall, within that time, be made under sections 5338 and 5339, until such application shall be determined, at the end of which time the court or judge shall order that the child be placed in the custody of its duly appointed guardian, or if there be no such guardian, to the person from whose care it was taken.

#### ARTICLE III.

##### SCHOOL FOR THE DEAF AND DUMB—NAME, MANAGEMENT, ETC.

SEC. 5697. The Missouri institution for the education of the deaf and dumb shall hereafter be designated and known as the "School for the Deaf and Dumb," and shall be under the management and control of a board of managers, composed of five members, which board shall have power to elect officers and teachers for the institution, adopt rules and by-laws for its government, order such purchases as may be

necessary, superintend the health and direct the educational and industrial advancement of the pupils.

#### WHO SHALL BE RECEIVED, ETC.

SEC. 5698. All deaf and dumb persons, residents of this State, between the ages of eight and twenty-one years, capable of receiving instruction in written and sign language, shall be received into the school for the deaf and dumb according to the rules and by-laws of said institution.

#### OBJECT OF THE SCHOOL.

SEC. 5699. The object of the school for the deaf and dumb shall be to educate this class of persons in the use of written and sign languages, the elementary branches, and in mechanical trades and industrial pursuits. Special training shall be given in all such trades as shall fit this class of persons for the practical duties of life, and shall render them self-supporting. The board of managers shall from time to time increase the facilities for teaching trades to all such pupils as show an aptness for acquiring them. The trades to be taught shall be such as stone-cutting, stone and brick masonry, house and sign painting, printing, carpentry, mechanical drawing, wood-carving and engraving, and any other trade that can be practically taught to boys in this school. Such trades as sewing, dress-cutting and fitting, dress and bonnet making, embroidery, needle and other ornamental work suitable to girls shall be taught them as far as practicable. To the end that the aforesaid industries may be practically taught to the pupils, the board shall see that all the work necessary to be done for the institution such as printing, painting, stone-cutting, stone and brick masonry, carpentry, shoemaking, tailoring, and sewing, shall be done by the pupils under the supervision of competent foremen, temporarily or permanently employed for that purpose. All the work and improvements for and about the institution, in the garden, orchard, on the farm, and in the shops, shall be performed by the pupils as far as practicable.



## ARTICLE IV.

SCHOOL FOR THE BLIND—GOVERNMENT  
VESTED IN BOARD OF MANAGERS.

SEC. 5717. The government of the Missouri School for the Blind shall be vested in a board of managers composed of five members, one of whom shall be, if practicable, a physician and oculist, and who shall give his professional services gratuitously to the pupils of said school.

## WHO ENTITLED TO BENEFITS OF INSTITUTION.

SEC. 5728. All blind persons of suitable mental and physical capacity, between the ages of nine and twenty-five years, residing in this State, shall be entitled to the benefits of the institution, and shall be permitted to remain in said institution for the term of eight years, unless, in the discretion of the board, they shall be sooner discharged therefrom; but the board may in special cases retain a pupil for a longer period, never, however, to exceed ten years. And if the applicants are indigent persons, and unable to pay for board and tuition, they shall be admitted free of charge; and in all cases where there are two or more applicants for admission, preference shall always be given to the poor over those who are able to pay, but in no case shall any person be admitted into the institution who is not a *bona fide* resident of the State: *Provided, however,* That blind persons of this State over the age of twenty-five years may be admitted, at the discretion of the board, for the purpose of learning a trade.

## EYES OF PUPILS TO BE EXAMINED, ETC.

SEC. 5730. It is hereby made the duty of the board of managers to have the eyes of every pupil who may be admitted into said school carefully examined by the physician and oculist of the said school, and if upon such examination by such physician and oculist it shall appear that by medical treatment, or by a surgical operation, the sight may be improved or restored, he shall, with the consent of the pupil, when it is practicable to obtain such consent, institute such medical treatment or perform such surgical operation as in

his judgment may be deemed practicable and advisable; and if such treatment or operation shall prove successful, the pupil shall be discharged from said school as soon thereafter as may be thought prudent.

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LAWS OF MISSOURI, 1891.

INDUSTRIAL HOME FOR GIRLS.

SEC. 5760. Every girl over the age of seven years and under the age of seventeen years, who shall be convicted of being a vagrant, or of any offense not punishable with death or imprisonment for life, may, except in cases deemed incorrigible, be sentenced to said industrial home until she shall reach the age of twenty-one years, if the court or magistrate before whom such conviction shall be had shall deem the girl so convicted a fit subject to be committed to said home—such sentence to be approved by the circuit or probate judge before committal, and the age of the girl so committed to be indorsed on the commitment. Any female child may be bound as apprentice to said industrial home for girls as to any other master, and subject to the same provisions of law as are now or may hereafter be in force.

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REVISED STATUTES OF MISSOURI, 1889.

INDUSTRIAL HOME FOR GIRLS—RULES FOR  
GOVERNMENT OF HOME—OFFICIALS  
TO BE WOMEN.

SEC. 5761. The board of control shall prepare, systematize and adopt a system of government for said industrial home, embracing all such rules and regulations and general laws as may be deemed necessary for preserving order and enforcing discipline, for imparting instruction, for preserving health, and for the proper physical, intellectual and moral training of the inmates. Said home shall be conducted on the family or cottage plan, for girls from seven to twenty years of age, in which there must be thorough systematic teaching of all domestic industries, which industries shall take



precedence of trades, and be a thorough education in every branch of household work. All the officials and help for the internal management shall be women, unless otherwise ordered by the board. (Laws, 1887, page 274.)

#### RULES SHALL CONTEMPLATE WHAT.

SEC. 5762. The system of management and the rules and regulations for the government of said industrial home, to be prepared as directed in the preceding section, shall contemplate the making of said home a reformatory institution, where girls removed from vicious associates and evil influences may receive a careful physical, intellectual and moral training, participate in the enjoyment of true home life, be reformed and become good domestic women, prudent in speech and conduct, cleanly, industrious and capable housekeepers. (Laws, 1887, page 274.)

#### WHO SHALL NOT BE SENTENCED TO.

SEC. 5763. No court or magistrate shall sentence any girl to said institution who is insane or idiotic, or afflicted with an incurable disease, or enciente, or who is so incorrigible that in the opinion of the officer sentencing her, there is not a fair probability of her reformation. (Laws, 1887, page 274.)

#### DISPOSITION OF GIRL FOUND INCORRIGIBLE.

SEC. 5764. The officer in charge of the institution, by and with the written consent of the chairman of the board of control, shall be authorized and empowered to return whence she came any girl who shall be found to be incorrigible or an improper subject for admission; and thereupon the court or magistrate by whom the said girl was committed, or his successor in office, shall have power to pass such sentence as would have been legal in the first instance if said girl had not been sent to said industrial home. (Laws, 1887, page 274.)

INMATES MAY BE RELEASED, INDENTURED, ETC.

SEC. 5765. The board of control may, whenever they deem any of the inmates of said home to have been so far reformed as to justify her discharge, liberate such inmate or bind her by articles of indenture to any suitable person who will engage to educate said girl and instruct her in household work, or in some proper art or trade, or said board may return said girl to her parents or other guardians, if they are of good moral character, or said board may place any such girl in the charge and care of any resident of this State who is the head of a family and of good moral character, on such conditions and on such terms as the board may prescribe. (Laws, 1887, page 274.)

ANNUAL REPORT—REGISTER.

SEC. 5766. The board shall make out and deliver to the secretary of State, on or before the first day of January in each year hereafter, a detailed statement of their operations and all expenditures made by them. They shall provide a book in which shall be registered the names, ages and religion professed of the girls received in said home, the date of their reception and leaving, the name of the county whence they came, the names and nationality of their parents, and whether such girls, on leaving the institution, were apprenticed, placed in a family or otherwise, and if placed in a family or apprenticed, the name, residence and occupation of the head of such family. (Laws, 1887, page 274.)

ARTICLE VII.

REFORM SCHOOLS IN COUNTIES CONTAINING A CITY OF OVER FIFTY THOUSAND INHABITANTS—REFORM SCHOOL ESTABLISHED.

SEC. 5772. In all counties in this State in which is located a city of over fifty thousand inhabitants, there shall be and there is hereby established a reform school for the punishment, reform and education of juvenile offenders, as hereinafter provided. (Laws, 1885, page 221.)



PERSONS CONVICTED OF VAGRANCY, ETC.,  
WHEN UNDER EIGHTEEN YEARS.

SEC. 5785. Any person under the age of eighteen years, in any county in which a reform school is or may be established under the provisions of this article, who shall be convicted of vagrancy or any disorderly practices, or who shall have deserted their homes without good and sufficient cause, or who shall keep company with dissolute or vicious persons contrary to the lawful commands of their parents, or other persons standing in the place of a parent, shall be deemed disorderly, and shall, upon conviction thereof, be ordered by the court in which said conviction is had to be removed to and confined in the reform school established by this article for the term mentioned in the last preceding section. (Laws, 1885, page 221.)

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CHAPTER CLXIX.

VAGRANTS—WHO DEEMED VAGRANTS.

SEC. 8846. Every able-bodied person who shall be found loitering about without visible means of support and maintenance, and who does not apply himself to labor, or some other honest calling to procure a livelihood, and all able-bodied persons who are found begging, or who quit their houses and leave their wives and children without means of subsistence, shall be deemed and treated as vagrants.

MINOR TO BE PROCEEDED WITH, HOW.

SEC. 8850. If such person be a minor, the justice shall commit him to jail unless such minor enter into recognizance to appear at the next term of the county court; and it shall be the duty of the county court to direct the sheriff to bind him as an apprentice to some useful trade or occupation until he arrives at the age of twenty-one years; and such vagrant minor shall in all respects be subject to the laws regulating apprentices.

LAWS OF MISSOURI, 1897.

STATE REFORM SCHOOL FOR BOYS.

SEC. 5. Any boy under the age of eighteen years convicted of a crime, the punishment of which, under the statutes of this State, when committed by persons over the age of eighteen years, is death or imprisonment in the penitentiary for a term of not less than ten years, may be punished in the same manner and to the same extent as provided by statute for the punishment of persons over the age of eighteen, or he may be imprisoned in the penitentiary or committed to the State reform school for boys for a term of not less than five years; and any boy under the age of eighteen years convicted of any other felony, either upon a plea of guilty or upon trial, shall be committed to the said reform school for boys for a term of not less than two years, nor for a longer term than until such boy shall arrive at the age of twenty-one years. Any boy under eighteen years of age convicted of a misdemeanor, either upon a plea of guilty or upon trial, may, in the discretion of the court, be committed to the said reform school for boys for a term not less than two years, nor for a longer period than until such boy shall arrive at the age of twenty-one years. No boy under eighteen years of age convicted of felony shall hereafter be committed to the county jail as a punishment for such offense.

Approved March 16th, 1897.

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LAWS OF MISSOURI, 1895.

STATE REFORM SCHOOL FOR BOYS.

SEC. 6. The governor shall have power to commute the punishment of any person under twenty-one years old sentenced to the penitentiary that he may deem a suitable party to be sent to the reform school, to commitment to said reform school for such term as he may think proper, not exceeding the time for which said party was sentenced to the penitentiary.



SEC. 7. Whenever complaint in writing shall be made to the probate court of any county, by the guardian or parent of any boy residing in such county under sixteen years of age, that said boy is incorrigible, and that his associations are bad and vicious, and that unless restrained he is liable to become a criminal, such court shall cause said boy to be brought before it, and shall make due inquiry in regard to his conduct and associations; and if the court shall find such complaint to be true, such court may commit said boy to the guardianship of the State reform school for boys for not less than two years, or until such boy shall arrive at the age of twenty-one years; and in such cases, if said boy shall have an estate in the hands of his curator or guardian, the said probate court shall make appropriation for the support and maintenance of said boy at said school, and shall require his guardian or curator to pay quarterly in advance for the support of said boy at said school, the sums hereinafter required to be paid for the maintenance of boys at said institution. In case such boy shall have no estate, the court before whom he is brought shall, before committing him to said reform school, require the parent, or other person making said complaint, to enter into a bond to the State of Missouri, in such sum as the court shall deem necessary, and with sufficient securities, conditioned for the payment quarterly in advance, to the treasurer of said school, of the amounts hereinafter required to be paid for the support of a boy at said institution.

SEC. 8. If a complaint, alleging the facts stated in the foregoing section, shall be made to the county court of any county in which said boy under sixteen years of age may reside, and it shall further be alleged therein that the boy and his parents are indigent, said county court may cause such boy to be brought before it, and may make inquiry into the facts; and if, upon examination, such court shall find the facts to be true, and that the boy is a proper subject for commitment to the reform school, and that neither said boy nor his parents have an estate sufficient to maintain him at said institution, the said county court may, in its discretion, commit said boy to the said reform school for not less than two years, nor for a longer time than until such boy shall arrive at the age of

twenty-one years, as a county charge; and in all such cases, the county shall pay quarterly in advance, out of the poor fund of such county, to the treasurer of said institution, the amount required by this act to be paid for the support of boys in such school.

## MAINE.

### REVISED STATUTES OF MAINE, 1884.

SEC. 21. Towns may make such by-laws, not repugnant to law, concerning habitual truants, and children between six and seventeen years of age not attending school without any regular and lawful occupation and growing up in ignorance, as are most conducive to their welfare and the good order of society; and may annex a suitable penalty, not exceeding twenty dollars for any breach thereof; but such by-laws must be first approved by a judge of the supreme judicial court.

SEC. 22. Such towns shall, at their annual meeting, appoint one or more persons, who alone shall make complaints for violations of said by-laws and shall execute the judgments of the magistrate.

SEC. 23. Said magistrate, in place of fine, may order children proved to be growing up in truancy, and without the benefit of the education provided for them by law, to be placed for such periods as he thinks expedient, in the institution of instruction, house of reformation, or other suitable situation provided for the purpose under section twenty-one.

### COMPULSORY EDUCATION.

SEC. 26. Every boy between the ages of nine and fifteen years, who neglects or refuses to attend school as required in section twenty-four, unless excused by the school officers of the town, forfeits not exceeding five dollars.

### SCHOOL FOR THE DEAF.

SEC. 126. The governor, with approval of the council, may send such deaf persons as he deems fit subjects for instruction, at the expense of the State, to the American Asy-



lum at Hartford, Connecticut, or to the Portland School for the Deaf at Portland, as the parents or guardians may designate in their written application for aid.

SEC. 127. The governor may draw his warrant for the sums necessary to pay for the instruction and support of such pupils as may be sent to said institutions, respectively, pursuant to the preceding section, the same not to exceed one hundred and seventy-five dollars a year for each pupil.

SEC. 21. The minor children of parents chargeable, or of parents unable in the opinion of the overseers to maintain them, and minor children chargeable themselves, may, without their consent, be bound by the overseers, by deed of indenture, as apprentices or as servants to any citizen of the State, to continue until the males are twenty-one, and the females eighteen years of age, or are married, unless sooner discharged by the death of their master. Provision shall be made in such deed for the instruction of males to read, write and cipher, and for females to read and write; and for such further instruction and benefit within or at the end of the term, as the overseers think reasonable.

SEC. 22. The overseers shall inquire into the treatment of such children, and protect and defend them in the enjoyment of their rights in reference to their masters and others. They may complain to the supreme judicial court in the county, where their town is, or where the master resides, against such master for abuse, ill-treatment, or neglect of a child bound to him. The court shall cause him to be notified, and upon a hearing of the parties or on default may, for sufficient cause proved, discharge the child with costs; or dismiss the complaint, with or without costs at discretion. Any child so discharged, or whose master has died, may be bound anew for the remainder of the time.

SEC. 23. The overseers, by a suit on the deed of indenture, may recover damages for breaches of its covenants. The amount so recovered, deducting reasonable charges, shall be placed in the treasury of the town, to be applied by the overseers for the benefit of the child during his term, or be paid to him at its expiration. The court, on trial for sufficient cause exhibited, may discharge the child. Such suit

is not abated by the death of overseers or by the expiration of their term; but shall proceed in their names, or in the names of the survivors.

SEC. 24. Such child, within two years after the expiration of his term, may commence an action of trespass or case, or a suit on the deed to recover damages for a breach of its covenants, or for injuries, other than such as have been tried in a suit between the overseers and master. He is for this purpose entitled to the custody of the deed of indenture when necessary, or to a copy of it, and he may sue upon it as assignee without an assignment of it.

SEC. 25. When a child so bound departs from service without leave, his master, or a person in his behalf, may complain on oath to a trial justice in the county, where he resides, or where the child is found, who shall issue a warrant and cause such child to be brought before him, and when the complaint is supported, he shall order the child to be returned to his master, though he resides in another county, or commit him to a jail or house of correction, to remain not exceeding twenty days, unless sooner discharged by his master. A person, who entices such a child to leave his master, or harbors him, knowing that he has so departed, is liable to the master for all his damages.

SEC. 26. A master may complain to the court in the county, where he resides, or where the overseers making the indenture resided, for gross misbehavior of the child, and the court, after notice to the child, and to the overseers of the town binding, may discharge the child.

#### ABUSED AND NEGLECTED CHILDREN.

SEC. 25. When complaint in writing, signed by two or more citizens of any town or city, alleging that any child therein is wilfully neglected or cruelly treated by its parents, or by the wilful fault of such parents is not provided with suitable food, clothing, or privileges of education, or is kept at a house of ill-fame, or that such child is an orphan without means of support or kindred of sufficient ability who will furnish such support, is made to the municipal officers of such



town or city, such officers shall give notice of a time and place of hearing by serving such notice, with a copy of such petition, upon such parents, at least two days before such hearing, or by publishing a copy of such petition and notice in some newspaper in the county where such child resides, at least seven days before such hearing. Said officers shall at the time and place mentioned in said notice, give a hearing to the parties and their witnesses, and if they find that the allegations in the petition are true, and that it is just and expedient to make further provision for the care, education and support of such child, they shall make further provision for the care, education and support of such child; they shall make a record thereof, signed by them or a majority of them, which shall be recorded by the clerk of said city or town in a suitable book.

SEC. 26. Upon making such record, such municipal officers, or some person appointed by them for that purpose, shall make complaint under oath to a judge of a court or to any trial justice, which complaint shall contain, in substance, the allegations set forth in said petition, and a prayer that such provision may be made for the care, custody, support and education of the child named in said complaint as justice requires, and thereupon the magistrate, before whom such complaint is made, shall issue his warrant and cause such child to be brought before him, and if, upon notice and hearing, it appears that the allegations of the complaint are true, and that justice requires that such child shall be supported and educated away from its parents, he shall order it to such place or institution as is provided therefor by such town or city, or to such charitable institution or private person, as he deems suitable: *Provided*, That such institution or person consents to receive, support and educate it; but such order shall not extend beyond the time when such child arrives at the age of twenty-one years, if a male, or at the age of eighteen years, if a female.

SEC. 27. Whenever the magistrate deems it suitable and conducive to the public welfare that such child be placed under the control of a private person, he shall first take a bond from such person, running to the town where the child

resides, in such sum and with such sureties as he approves, conditioned that such person shall humanely treat and properly support, clothe and educate the child, and in case of the non-performance of said bond, a suit may be commenced thereon, and the sum recovered upon such bond shall be paid into the treasury of the town to which the bond is given. Upon application to any magistrate, he shall examine into the condition and welfare of the children who have been provided for under this chapter, and may at any time make such further order in relation to their care, custody, support and education as justice demands.

SEC. 28. Whenever the municipal officers of a town or city have reason to believe that any child will be removed beyond the limits of the State before a hearing can be had, as provided in this chapter, they may at any time after filing the petition, take the child into their custody and keep it until the hearing before the magistrate, as hereinbefore provided.

SEC. 29. Whenever a child is in the custody of any public or charitable institution, the parents, or either of them, may make application in writing to any justice of the supreme judicial court to have its custody restored to them. Such notice of the application and the time and place of the hearing thereon as the court orders, shall be given to such institution and to the municipal officers of the town where the proceedings herein provided were commenced, and if, upon such hearing, it appears that the applicant is of sufficient ability and inclination suitable to provide for its support and education, and that justice requires that its custody be restored to such applicant, the judge shall so order, and the custody and control of said child shall thereupon be given to such applicant until the further order of court.

SEC. 30. Any town incurring expenses under the five preceding sections, through the fault of parents who are able properly to support and educate their children, but wrongfully neglect and refuse to do so, may recover of them, in an action of debt, the amount so expended.

SEC. 31. Any town may make proper provision for the support of children mentioned in the six preceding sections,



and such support shall not make such children or their parents paupers.

#### CHAPTER CXLIII.

#### THE INSANE HOSPITAL—DUTIES OF PARENTS AND GUARDIANS OF INSANE MINORS.

SEC. 12. Parents and guardians of insane minors, if of sufficient ability to support them there, shall, within thirty days after an attack of insanity, without legal examination, send them to the insane hospital and give to the treasurer thereof the bond required; or they may send them to some other hospital for the insane, within said period.

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#### MASSACHUSETTS.

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#### ACTS AND RESOLVES OF MASSACHUSETTS, 1888. CHAPTER CCXXXIX.

SECTION 1. Upon the request of the parents or guardians, and with the approval of the State board of education, the governor may send such deaf-mutes or deaf children as he may deem fit subjects for education, for a term not exceeding ten years in the case of any pupil, to the American Asylum at Hartford, in the State of Connecticut, the Clarke Institution for Deaf Mutes at Northampton, or to the Horace Mann School at Boston, or to any other school for deaf-mutes in the Commonwealth, as the parents or guardians may prefer; and with the approval of the State board he may make at the expense of the Commonwealth such provision for the care and education of children, who are both deaf-mutes and blind, as he may deem expedient. In the exercise of the discretionary power conferred by this act, no distinction shall be made on account of the wealth or poverty of the parents or guardians of such children; no such pupil shall be withdrawn from such institutions or schools except with the consent of the proper authorities thereof or of the governor; and the sums necessary for the instruction and

support of such pupils in such institutions or schools, including all traveling expenses of such pupils attending such institutions or schools, whether daily or otherwise, shall be paid by the Commonwealth: *Provided, however,* That nothing herein contained shall be held to prevent the voluntary payment of the whole or any part of such sums by the parents or guardians of such pupils.

#### CHAPTER CCXLVIII.

SECTION 1. Section three of chapter one hundred and eighty-one of the acts of the year one thousand eight hundred and eighty-two is hereby amended by adding at the end thereof the following: *Provided, however,* That when it shall be made to appear that the place of legal settlement of any of such children has not within its control any institution in which they may be lawfully maintained, such court or magistrate may commit such children to the custody of the State Board of Lunacy and Charity, and the authority vested in such overseers under this section relative to children who have a known settlement may be exercised by said State board, in the same manner and to the same extent as might have been exercised by said overseers, had such children been committed to them.

#### CHAPTER XLVIII.

PUBLIC STATUTES OF MASSACHUSETTS, 1882.

#### CARE AND EDUCATION OF NEGLECTED CHILDREN.

SEC. 18. Each town may, and every town containing five thousand or more inhabitants shall, make all needful provisions and arrangements concerning children under sixteen years of age, who, by reason of the neglect, crime, drunkenness, or other vices of parents, or from orphanage, are suffered to be growing up without salutary parental control and education, or in circumstances exposing them to lead idle and dissolute lives; and may also make all such by-laws respecting such children as shall be deemed most conducive to their welfare and to the good order of the city or town.



SEC. 19. The selectmen of towns containing five thousand or more inhabitants, and of other towns availing themselves of the provisions of sections eighteen to twenty-one, inclusive, shall appoint suitable persons to make complaints of violations of by-laws adopted under the preceding section; and the persons so appointed, and the officers and duly appointed agents of the Massachusetts Society for the Prevention of Cruelty to Children, shall alone be authorized to make such complaints; and the persons so appointed shall alone be authorized to make complaints under the following section:

SEC. 20. A judge of the superior court, or of a police, district or municipal court, or a trial justice, upon proof that any child under sixteen years of age, by reason of orphanage, or of the neglect, crime, drunkenness, or other vice of parents, is so growing up, may order such child to such institution of instruction, or other place assigned for the purpose, as may be provided under section eighteen, by the town in which such child resides, to be there kept, educated and cared for for a term not extending beyond the age of twenty-one years for boys, or eighteen years for girls.

SEC. 21. When the parents of a child committed under the preceding section have reformed and are leading orderly and industrious lives, and are in a condition to exercise salutary parental control over such child, and to provide him with proper education and employment, or when, said parents being dead, any person offers to make such suitable provision for the care, nurture and education of such child as will conduce to the public welfare, and will give security for the performance of the same satisfactory to the directors, trustees, overseers, or other board having charge of the institution to which such child is committed, they may discharge him to the parents or to such other person.

#### CARE AND PROTECTION OF DESTITUTE, ABANDONED AND ABUSED CHILDREN.

SEC. 22. The judge of the probate court of any county, when it appears that a minor under fourteen years of age resident therein is without a guardian, and is entirely abandoned,

or treated with gross and habitual cruelty by the parent or other person having the care or custody of him, or is illegally deprived of liberty, may appoint as his guardian the Massachusetts Society for the Prevention of Cruelty to Children for such period as seems fit to the judge; and said society shall thereupon become entitled to the custody of such child to the exclusion of any other person, but shall not be entitled to his property. Said judge may at any time, for good cause, revoke such appointment.

SEC. 24. Upon the complaint of said society that a child under five years of age has been abandoned and deserted in a street or public place, or in a vacant building, a judge of any court, within his jurisdiction, may give the custody of such child for a period not exceeding thirty days to said society; which shall thereupon give notice thereof, under the direction of said judge, by advertisement in some newspaper published in the county where such child is found; and such child, if claimed by its parents, parent or guardian, may be returned to them by said judge.

#### CHAPTER LXXXIV.

#### THE SUPPORT OF PAUPERS BY CITIES AND TOWNS.

SEC. 2. \* \* \* They may remove to the almshouse such children as are suffering destitution from extreme neglect of dissolute or intemperate parents or guardians, except as hereinafter provided.

SEC. 3. In every city said overseers shall place every pauper child in their charge, and over four years of age, in some respectable family in the State, or in some asylum therein, to be supported there by the city, according to the laws relating to the support of the poor, until they can be otherwise cared for. And the overseers shall visit such children, personally or by agent, at least once in three months, and make all needful inquiries as to their treatment or welfare.

SEC. 4. No such child, who can be cared for as above directed without inordinate expense, shall be retained in an almshouse, unless he is a State pauper, or idiot, or otherwise so defective in body or mind as to make his retention in an



almshouse desirable, or unless he is under the age of eight years, and his mother is an inmate thereof, and is a suitable person to aid in taking care of him.

#### CHAPTER CXLIX.

SEC. 4. A minor child who is, or either of whose parents is, chargeable to a town as having a lawful settlement therein or supported there at the expense of the Commonwealth, may, whether under or above the age of fourteen years, be so bound by the overseers of the poor, a female to the age of eighteen years or to the time of her marriage within that age, and a male to the age of twenty-one years; and provision shall be made in the contract for teaching such minor to read, write and cipher, and for such other instruction, benefit and allowance, either within or at the end of the term, as the overseers may deem reasonable.

SEC. 10. Parents, guardians, selectmen, and overseers shall inquire into the treatment of all children bound by them respectively or with their approbation, and into the treatment of all bound by or with the approbation of their predecessors in office, and shall defend all such children from all cruelty, neglect, and breach of contract on the part of their masters.

#### CHAPTER CCXV.

SEC. 18. No person under the age of ten years shall be sentenced to a jail or house of correction, except for non-payment of fine, or fine and costs.

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### SUPPLEMENT TO THE PUBLIC STATUTES OF MASSACHUSETTS, 1889-1895.

#### CHAPTER CCXXVI.

SECTION 1. Upon the request of the parents or guardians and with the approval of the State Board of Education, the governor may continue the schooling of meritorious deaf-mutes or deaf children of capacity and promise, beyond the existing limitation of ten years, as provided in chapter two hundred and thirty-nine of the acts of the year eighteen hun-

dred and eighty-eight, when such pupils are properly recommended therefor by the principal or other chief officer of the school of which they are members.

## CHAPTER CCXXX.

SECTION 1. There shall be allowed and paid out of the treasury of the Commonwealth to the Hospital Cottages for Children, a charitable corporation organized under the laws of the Commonwealth for the care, training and treatment of epileptic and otherwise diseased children, and located at Baldwinsville in the town of Templeton, a sum not exceeding fifty-five thousand dollars, to be expended for the purchase of land and the erection of buildings suitable for the accommodation of the inmates therein: *Provided*, That nothing herein contained shall authorize the payment of any part of said sum to the said hospital cottages for children until plans and estimates for said buildings shall have been approved by the governor and council.

SEC. 2. The State board of lunacy and charity may send to and keep at said hospital cottages for children such number of children afflicted with epilepsy or other chronic diseases as shall be approved by the trustees and superintendent of said corporation, to be maintained at such expense to the Commonwealth as shall be determined by the State board of lunacy and charity and the trustees of said institution.

## CHAPTER CCCLVI.

SECTION 1. The justice of each municipal, police or district court shall appoint one person to perform the duties of probation officer, as hereinafter named, under the jurisdiction of said court. The appointment of such officer for the municipal court of the city of Boston shall be made by the chief justice of said court, who may appoint as many assistants, not exceeding three, to said probation officer as are needed to carry out the purposes of this act. Each probation officer appointed as herein provided shall hold his office during the pleasure of the court making the appointment.

SEC. 2. Said probation officers shall not be active members of the regular police force, but shall in the execution

of their official duties have all the powers of police officers. The records of any of said probation officers may at all times be inspected by the chief of police or city marshal of any city or town, or by the board of police of the city of Boston.

SEC. 3. Each probation officer shall inquire into the nature of every criminal case brought before the court under whose jurisdiction he acts, and may recommend that any person convicted by said court be placed upon probation; the court may place the person so convicted in the care of said probation officer for such time and upon such conditions as may seem proper.

SEC. 4. Each person released upon probation as aforesaid shall be furnished by the probation officer with a written statement of the terms and conditions of his release; each probation officer shall keep full records of all cases investigated by him, of all cases placed in his care by the court, and of any other duties performed by him under this act.

SEC. 5. The clerk of each municipal, police or district court, or the justice thereof, if there is no clerk, shall, when an appointment is made under this act, forthwith notify the commissioners of prisons of the name of the officer so appointed. Each probation officer shall make a monthly report to the commissioners of prisons in such form as said commissioners shall direct.

SEC. 6. The compensation of each probation officer shall be determined by the justice of the court under whose jurisdiction he acts, subject to the approval of the county commissioners of the county in which the court is located, and shall be paid from the treasury of the county, upon vouchers approved by said justice and the county commissioners, or, in the county of Suffolk, the commissioners of public institutions.

SEC. 7. A probation officer may, at the request of any justice of the superior court, investigate the case of any person on trial in that court and make a report upon the same to said justice, and may upon the order of the court take on probation any person convicted in said court; the compensation for such services shall be paid from the treasury of the Commonwealth upon vouchers approved by



said justice. The officers appointed under this act may also perform the services of probation officers named in section sixty-nine of chapter two hundred and twenty of the Public Statutes, and for said services may receive such compensation as the county commissioners or the commissioners of public institutions, as the case may be, shall approve.

SEC. 8. Any officer who refuses or neglects to make returns or to perform any of the duties required of him by this act shall forfeit two hundred dollars to the use of the Commonwealth.

SEC. 9. Nothing in this act shall be so construed as to interfere with any of the duties required of the board of lunacy and charity under the provisions of the statutes relating to juvenile offenders.

#### CHAPTER CCCXVIII.

SECTION 1. No person shall maintain a boarding-house for infants unless licensed by the State board of lunacy and charity. Whoever violates the provisions of this section shall be punished by fine not exceeding one hundred dollars or by imprisonment not exceeding one year, or by both such fine and imprisonment.

SEC. 2. Whoever shall, for hire, gain or reward, have in his custody or control at one time more than one infant under the age of two years, unattended by a parent or guardian, exclusive of infants related by blood or marriage to the person having such custody or control, for the purpose of providing care, food and lodging for such infants, shall be deemed to maintain a boarding-house for infants within the meaning of this act: *Provided*, That if in any prosecution under this act the defendant relies upon the relationship of any said infants to himself in defense, the burden shall be upon said defendant to prove said relationship.

SEC. 3. The State board of lunacy and charity may grant licenses to maintain boarding-houses for infants, and may revoke such licenses in its discretion. Every application for such license shall first be approved by the board of health of the place, except the city of Boston, in which such boarding-house is to be maintained. The State board of lunacy and



charity and boards of health of cities and towns, except the city of Boston, shall annually, and may at all times visit and inspect premises so licensed, and may at any time designate any person to visit and inspect said premises.

SEC. 4. Such licenses shall be granted for a term not exceeding one year and a record thereof shall be kept by said State board, which shall forthwith notify the board of health of the place in which the license resides that such license has been granted, with the terms thereof. Every such license shall set forth the name of the license, the particular premises in which the business may be carried on, and the number of infants permitted to be boarded at one time in such premises, and shall, if so required by the State board, be posted in a conspicuous place in such premises, and the number of infants specified in such license shall in no case be exceeded. No license issued as aforesaid shall authorize the holder thereof to keep an infant in any building or place other than that designated in the license.

SEC. 5. Every license as aforesaid shall keep a true and particular record, in such form as may be prescribed by the State board, of every infant received, which record shall include the date of the receiving of such infant, the name and address of the person from whom such infant is received, the date of its discharge and the name and address of the person to whom it is discharged.

SEC. 6. When such license is revoked the State board of lunacy and charity shall note the revocation upon the face of the license, and shall give written notice of such revocation to the holder of the license, by delivering the same to him in person or leaving it at the place of business designated in the license.

SEC. 7. Any person receiving under his care or control, or placing under the care or control of another, for compensation, an infant under two years of age not related by blood or marriage to the person receiving such infant, shall within two days after such reception give notice to the State board of lunacy and charity of such reception and its terms, with the names, ages and residences of such infant and of its

parents, and of such persons, so far as known, to the person giving such notice: *Provided, however,* That any person receiving such an infant from the overseers of the poor of any city or town, or from the commissioners of public institutions of the city of Boston, or from any charitable institution incorporated by law within this Commonwealth, shall be required to report in such notice to said State board only the name and age of such infant and the name and location of the board or institution from which such infant is received.

SEC. 8. Said State board, on receiving such notice or any information of such reception, may forthwith cause all the circumstances of the case to be investigated, and may make such recommendation, if any, as it shall deem expedient, to such persons in regard to the care and custody of such infant; and if the same are not complied with, may, if it shall deem expedient, forthwith make application to any justice of the supreme, judicial, superior, police, district or municipal courts, or to the judge of any probate court to make and enforce such orders in regard to the care, custody, protection and maintenance of such infant as such justice or judge shall deem for the best interest of such infant, and as are not inconsistent with law; and such justice or judge may, on such notice to such parents and persons as said court shall order, then and from time to time make and enforce such orders.

SEC. 9. Any person neglecting to give such notice to said State board, or refusing to give such information as it shall request, or refusing to obey such orders of such justice or judge, shall, upon complaint of a duly authorized agent of the said State board, be punished by imprisonment in the house of correction for not exceeding one year or by fine not exceeding one hundred dollars, or by both such imprisonment and fine.

SEC. 10. Whoever gives to any person an infant under two years of age for the purpose of placing such infant, for hire, gain or reward, under the permanent control of another person shall be deemed guilty of the abandonment of such infant, and upon conviction thereof shall be punished by imprisonment, if a man, in the house of correction, and if a



woman, in the reformatory prison for women, not exceeding two years.

SEC. 11. Whoever for hire, gain or reward received from any person an infant under two years of age, for the purpose of placing such infant under the permanent control of any other person shall be deemed guilty of aiding and abetting the abandonment of such infant, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars or by imprisonment not exceeding two years in the house of correction.

SEC. 12. The provisions of sections ten and eleven of this act shall not apply to the State board of lunacy and charity, the overseers of the poor of any city or town, the commissioners of public institutions of the city of Boston, any charitable institution incorporated by law, or any duly authorized officers or agents of the same.

SEC. 13. Whoever received from any person the care and custody of an infant less than two years old for the purpose of adopting, giving a home to or procuring a home or adoption for such infant, shall, before receiving the same, correctly ascertain the true name, age and birthplace of such infant, with the true name and residence of the parent or parents of such infant, and shall keep a careful record of the same, with the date of such reception. He shall forthwith, upon the reception of said infant, give notice in writing of such reception to the State board of lunacy and charity, and when and as requested by the said State board shall give such information and render such reports concerning such infant as said State board may require; and within two days after the discharge of such infant shall give notice in writing to said State board of the discharge and disposal of such infant. Said State board shall have power to make investigation of all matters pertaining to the case, and, at any time previous to a decree of adoption by a probate court, to remove to the custody of said State board any such infant whenever, in the judgment of said State board, such removal is for the public interest and necessary for the protection of the infant.

SEC. 14. The parents, surviving parent or guardian of any infant under three years of age, if unable to support such

infant, may, upon personal application to the State board of lunacy and charity and with the consent of said State board, place such infant in charge of said State board by an instrument in writing; and said State board may receive such infant if said State board deem such action to be for the public interest, and shall thereupon have the custody of such infant in the same manner and to the same extent as if such infant were committed thereto by a court or magistrate under the provisions of section three of chapter one hundred and eighty-one of the acts of the year eighteen hundred and eighty-two and acts amendatory thereof.

SEC. 15. The mother of an illegitimate infant under two years of age, who is a resident of this Commonwealth and who has previously borne a good character, may, upon personal application to the State board of lunacy and charity and with the consent of said State board, give up such infant to said State board for the purpose of adoption, such giving up to be made by an instrument in writing signed by the mother; and said State board may, in its discretion and on such conditions as it may impose, receive such infant and provide therefor if said board deem such action to be for the public interest; and such giving up shall operate as a consent to any adoption subsequently approved by said State board.

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## CHAPTER CXCVII.

AN ACT, Extending to towns the provisions of law requiring cities to place their pauper children in families or asylums.

SECTION 1. Section three of chapter eighty-four of the Public Statutes is hereby amended by inserting in the first line, after the word "city," the words: and town, and by inserting in the fourth line, after the word "city," the words: or town, so as to read as follows: Section 3. In every city and town said overseers shall place every pauper child in their charge, and over four years of age, in some respectable family in the State, or in some asylum therein, to be supported there by the city or town, according to the laws relating to the support of the poor, until they can be otherwise cared for. And the



overseers shall visit such children, personally or by agent, at least once in three months, and make all needful inquiries as to their treatment or welfare.

SEC. 2. Section one of chapter four hundred and one of the Acts of the year eighteen hundred and eighty-seven is hereby amended by inserting in the second line, after the word "Boston," the words: or of any town; also by inserting in the tenth line, after the word "city," the words: or town, so as to read as follows: Section 1. Whenever the overseers of the poor of any city, except the city of Boston, or of any town, fail to place out, according to the provisions of section three of chapter eighty-four of the Public Statutes, any pauper child in their charge for two months from the date of their receiving of such child, then the authority vested in said overseers under said section three may be exercised by the State board of lunacy and charity, to the exclusion of said overseers, and under the authority of the State board of lunacy and charity such child shall be supported by the city or town in the same manner as if placed out by its overseers of the poor, and shall be subject to the visitation of the said State board of lunacy and charity, its officers or agents, until the said State board of lunacy and charity shall be furnished with evidence satisfactory to said board that the overseers will properly care for such child in accordance with the provisions of said section three.

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## CHAPTER CCXVII.

AN ACT, Relating to indigent and neglected infants in the State almshouse.

SECTION 1. The superintendent and board of trustees of the State almshouse shall commit any indigent or neglected infants having no known settlement in this Commonwealth to the custody of the State board of lunacy and charity, which board shall provide for said infants in the Massachusetts Infant Asylum or St. Mary's Asylum, or in a family or other suitable place, as they may judge to be best for the interests of each child.

## CHAPTER CCLII.

## AN ACT, Relating to indigent and neglected children.

SECTION I. Whenever any child has been committed to or placed in the charge of the overseers of the poor of any city or town, or in Boston, in charge of the commissioners of public institutions, under the provisions of section three of chapter one hundred and eighty-one of the acts of the year eighteen hundred and eighty-two or any act in amendment thereof or in addition thereto, by any court or judge, and such child has no settlement in the city or town to whose officers he has been placed, any judge of the superior court of the county in which such city or town is situated, sitting in equity, may, on the petition of such city or town, by its attorney, transfer such child to the charge of the city or town in which he has his settlement, or to the charge of the State board of lunacy and charity if it does not appear that he has a settlement in this Commonwealth. Any necessary and proper expenses incurred by a city or town for the care and support of such child within three months prior to such transfer shall, on the order of the judge making the transfer, be repaid to it by the Commonwealth or by the city or town to which the transfer is made.

## CHAPTER CCCXCVI.

SEC. 34. District and police courts shall have original jurisdiction concurrent with the superior court of all crimes and offenses under the degree of felony committed within their respective counties except conspiracies and libels and cases where a prosecution by indictment or information is required by law, and each of said courts may impose the same penalties that may be imposed by the superior court in like cases: *Provided*, That the jurisdiction of said courts, in all matters relating to crimes and offenses committed in their respective judicial districts, shall exclude the jurisdiction of other district, municipal and police courts and trial justices, but an offense committed on the boundary line of two such districts, or within fifty rods of such line, may be alleged to

have been committed and may be prosecuted and punished in either district.

SEC. 35. They shall have jurisdiction, as aforesaid, of felonies punishable by imprisonment other than for life, committed by juvenile offenders under seventeen years of age, and upon conviction may sentence such offenders to any punishment provided by law for the offense, other than imprisonment in the State prison, or may commit them to any institution established by authority of the laws of the Commonwealth for the reformation of juvenile offenders, or may order the offenders to recognize with surety or sureties for their appearance before the superior court in due course of law.

#### CHAPTER CCCCXCVIII.

SECTION 1. Every person having under his control a child between the ages of eight and fourteen years, and in every city and town where opportunity is furnished, in connection with the regular work of the public schools, for gratuitous instruction in the use of tools or in manual training, or for industrial education in any form, a child between the ages of eight and fifteen years, shall annually cause such child to attend some public day school in the city or town in which he resides, and such attendance shall continue for at least thirty weeks of the school year, if the schools are kept open for that length of time, with an allowance of two weeks' time for absences not excused by the superintendent of schools or the school committee. Such period of attendance shall begin within the first month of the full term of school, and for each five days' absence of any such child thereafter, in excess of the above allowance, before the completion of the required annual attendance of thirty weeks, the person having such child under his control shall, upon the complaint of the school committee or any truant officer, forfeit to the use of the public schools of such city or town a sum not exceeding twenty dollars, but if such child has attended for a like period of time a private day school approved by the school committee of such city or town, or if such child has been otherwise instructed for a like period of time in the branches of learning required by law to be taught in the public schools or has already acquired



the branches of learning required by law to be taught in the public schools, or if his physical or mental condition is such as to render such attendance inexpedient or impracticable, such penalties shall not be incurred.

SEC. 2. For the purposes of the preceding section school committees shall approve a private school only when the teaching in all the studies required by law is in the English language, and when they are satisfied that such teaching equals in thoroughness and efficiency the teaching in the public schools in the same locality, and that equal progress is made by the pupils therein, in the studies required by law, with that made during the same time in the public schools; but they shall not refuse to approve a private school on account of the religious teaching therein.

SEC. 3. The truant officers and the school committees of the several cities and towns shall vigilantly inquire into all cases of neglect of the duty prescribed in section one, and ascertain the reasons, if any, therefor; and such truant officers or any of them shall, when so directed by the school committee, prosecute, in the name of the city or town, any person liable to the penalty provided for in said section. Police, district and municipal courts, trial justices and judges of the probate court, shall have jurisdiction within their respective counties of the offenses described in section one.

SEC. 4. All children within the Commonwealth may attend the public schools in the place in which they have their legal residence, subject to the regulations prescribed by law.

SEC. 11. No person shall be excluded from a public school on account of the race, color or religious opinion of the applicant or scholar.

SEC. 15. Whenever a truant school has been established for any county it shall be the place of confinement, discipline and instruction for all truants within the cities or towns of said county, unless said cities or towns have made other provision therefor; and police, district or municipal courts, trial justices and probate courts shall have jurisdiction within their respective counties of the offenses described in sections nineteen and twenty-one of this act; and may commit truants to such truant school or union truant school as may be estab-



lished for their respective counties under the provisions of this act.

SEC. 16. If three or more towns in any county so require, the county commissioners shall establish, at the expense of the county, at a convenient place therein, other than the jail or house of correction, a truant school for the confinement, discipline and instruction of minor children convicted under the provisions of sections nineteen and twenty-one of this act and all acts in amendment thereof and in addition thereto; and shall make suitable provisions for the government and control, and for the appointment of proper teachers and officers thereof. But the county commissioners of two, three or four contiguous counties may, and if three or more cities or towns in each of such counties require, shall, at the expense of said counties, establish for said counties, at a convenient place therein, a union truant school, to be organized and controlled by the chairman of the county commissioners of said counties, in the manner provided for the government and control of county truant schools by county commissioners; and any county so uniting with another county or counties in the support of a union truant school shall not be required to support a truant school of its own.

SEC. 17. A town may assign any such truant school, or, with the assent of the State board of lunacy and charity, the State primary school, as the place of confinement, discipline and instruction of children so convicted; and shall pay for their support therein such sum, not exceeding two dollars a week for each child, as the county commissioners or the trustees of the State primary and reform schools, respectively, shall determine.

SEC. 18. Children so committed may, upon satisfactory proof of amendment or other sufficient cause, be discharged from the State primary school by said State board, and from other places of confinement by the judge or justice who committed them.

SEC. 19. Each town shall make all needful provisions and arrangements concerning habitual truants, and children between seven and fifteen years of age who may be found wandering about in the streets or public places therein, hav-

parents, and of such persons, so far as known, to the person giving such notice: *Provided, however,* That any person receiving such an infant from the overseers of the poor of any city or town, or from the commissioners of public institutions of the city of Boston, or from any charitable institution incorporated by law within this Commonwealth, shall be required to report in such notice to said State board only the name and age of such infant and the name and location of the board or institution from which such infant is received.

SEC. 8. Said State board, on receiving such notice or any information of such reception, may forthwith cause all the circumstances of the case to be investigated, and may make such recommendation, if any, as it shall deem expedient, to such persons in regard to the care and custody of such infant; and if the same are not complied with, may, if it shall deem expedient, forthwith make application to any justice of the supreme, judicial, superior, police, district or municipal courts, or to the judge of any probate court to make and enforce such orders in regard to the care, custody, protection and maintenance of such infant as such justice or judge shall deem for the best interest of such infant, and as are not inconsistent with law; and such justice or judge may, on such notice to such parents and persons as said court shall order, then and from time to time make and enforce such orders.

SEC. 9. Any person neglecting to give such notice to said State board, or refusing to give such information as it shall request, or refusing to obey such orders of such justice or judge, shall, upon complaint of a duly authorized agent of the said State board, be punished by imprisonment in the house of correction for not exceeding one year or by fine not exceeding one hundred dollars, or by both such imprisonment and fine.

SEC. 10. Whoever gives to any person an infant under two years of age for the purpose of placing such infant, for hire, gain or reward, under the permanent control of another person shall be deemed guilty of the abandonment of such infant, and upon conviction thereof shall be punished by imprisonment, if a man, in the house of correction, and if a



woman, in the reformatory prison for women, not exceeding two years.

SEC. 11. Whoever for hire, gain or reward received from any person an infant under two years of age, for the purpose of placing such infant under the permanent control of any other person shall be deemed guilty of aiding and abetting the abandonment of such infant, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars or by imprisonment not exceeding two years in the house of correction.

SEC. 12. The provisions of sections ten and eleven of this act shall not apply to the State board of lunacy and charity, the overseers of the poor of any city or town, the commissioners of public institutions of the city of Boston, any charitable institution incorporated by law, or any duly authorized officers or agents of the same.

SEC. 13. Whoever received from any person the care and custody of an infant less than two years old for the purpose of adopting, giving a home to or procuring a home or adoption for such infant, shall, before receiving the same, correctly ascertain the true name, age and birthplace of such infant, with the true name and residence of the parent or parents of such infant, and shall keep a careful record of the same, with the date of such reception. He shall forthwith, upon the reception of said infant, give notice in writing of such reception to the State board of lunacy and charity, and when and as requested by the said State board shall give such information and render such reports concerning such infant as said State board may require; and within two days after the discharge of such infant shall give notice in writing to said State board of the discharge and disposal of such infant. Said State board shall have power to make investigation of all matters pertaining to the case, and, at any time previous to a decree of adoption by a probate court, to remove to the custody of said State board any such infant whenever, in the judgment of said State board, such removal is for the public interest and necessary for the protection of the infant.

SEC. 14. The parents, surviving parent or guardian of any infant under three years of age, if unable to support such

infant, may, upon personal application to the State board of lunacy and charity and with the consent of said State board, place such infant in charge of said State board by an instrument in writing; and said State board may receive such infant if said State board deem such action to be for the public interest, and shall thereupon have the custody of such infant in the same manner and to the same extent as if such infant were committed thereto by a court or magistrate under the provisions of section three of chapter one hundred and eighty-one of the acts of the year eighteen hundred and eighty-two and acts amendatory thereof.

SEC. 15. The mother of an illegitimate infant under two years of age, who is a resident of this Commonwealth and who has previously borne a good character, may, upon personal application to the State board of lunacy and charity and with the consent of said State board, give up such infant to said State board for the purpose of adoption, such giving up to be made by an instrument in writing signed by the mother; and said State board may, in its discretion and on such conditions as it may impose, receive such infant and provide therefor if said board deem such action to be for the public interest; and such giving up shall operate as a consent to any adoption subsequently approved by said State board.

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## CHAPTER CXCVII.

AN ACT, Extending to towns the provisions of law requiring cities to place their pauper children in families or asylums.

SECTION 1. Section three of chapter eighty-four of the Public Statutes is hereby amended by inserting in the first line, after the word "city," the words: and town, and by inserting in the fourth line, after the word "city," the words: or town, so as to read as follows: Section 3. In every city and town said overseers shall place every pauper child in their charge, and over four years of age, in some respectable family in the State, or in some asylum therein, to be supported there by the city or town, according to the laws relating to the support of the poor, until they can be otherwise cared for. And the



overseers shall visit such children, personally or by agent, at least once in three months, and make all needful inquiries as to their treatment or welfare.

SEC. 2. Section one of chapter four hundred and one of the Acts of the year eighteen hundred and eighty-seven is hereby amended by inserting in the second line, after the word "Boston," the words: or of any town; also by inserting in the tenth line, after the word "city," the words: or town, so as to read as follows: Section 1. Whenever the overseers of the poor of any city, except the city of Boston, or of any town, fail to place out, according to the provisions of section three of chapter eighty-four of the Public Statutes, any pauper child in their charge for two months from the date of their receiving of such child, then the authority vested in said overseers under said section three may be exercised by the State board of lunacy and charity, to the exclusion of said overseers, and under the authority of the State board of lunacy and charity such child shall be supported by the city or town in the same manner as if placed out by its overseers of the poor, and shall be subject to the visitation of the said State board of lunacy and charity, its officers or agents, until the said State board of lunacy and charity shall be furnished with evidence satisfactory to said board that the overseers will properly care for such child in accordance with the provisions of said section three.

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## CHAPTER CCXVII.

### AN ACT, Relating to indigent and neglected infants in the State almshouse.

SECTION 1. The superintendent and board of trustees of the State almshouse shall commit any indigent or neglected infants having no known settlement in this Commonwealth to the custody of the State board of lunacy and charity, which board shall provide for said infants in the Massachusetts Infant Asylum or St. Mary's Asylum, or in a family or other suitable place, as they may judge to be best for the interests of each child.

STATUTES OF MINNESOTA, 1894.

CHAPTER XXXV.

CHARITABLE INSTITUTIONS.

SEC. 3437. That the institution heretofore established at Faribault, Minn., for the education of the deaf, dumb and blind, and styled the "Minnesota Deaf, Dumb, and Blind Institute," shall hereafter be known and designated as the "Minnesota Institute for Defectives." It shall be located at Faribault, and shall consist of three departments, to wit: The school for the deaf; the school for the blind; the school for the feeble-minded.

SEC. 3442. All deaf persons, all blind persons, and all feeble-minded persons residents of this State, who, in the opinion of the several superintendents, are of suitable age and capacity to receive instruction in these schools, and whose defects prevent them from receiving proper training in the public schools of the State, and all idiotic and epileptic persons residents of the State, may be admitted to their respective departments. \* \* \*

SEC. 3443. Indigent pupils are made a charge upon their respective counties.

TITLE IV.

STATE PUBLIC SCHOOL—COMMISSIONERS—  
DESIGNATION OF SCHOOL.

SEC. 3500. The governor shall appoint five commissioners for the purpose of selecting a suitable location and erecting thereon suitable buildings for a State school or temporary home for dependent and neglected children; such institution to be known as the "State Public School."

PUPILS—ADMISSION.

SEC. 3509. There shall be received into said school those children who have been declared dependent on the public for support, abandoned, neglected, or ill-treated as provided in this act, who are over two and under fourteen

years of age, and sound in mind and free from disease. That said board is authorized in admitting children to give preference to those under twelve years of age.

#### STATE REFORM SCHOOL—WHO TO BE RECEIVED.

SEC. 3523. That it shall be the duty of the board of managers to receive, to the extent of the means placed at their disposal, and of the accommodations afforded by the buildings and grounds belonging to said school, all infants under their care and guardianship, and the same to keep during their minority, or until discharged under the rules of said board, males under the age of sixteen years, and females under the age of fifteen years committed to said school in any of the following modes, to wit:

First. Infants committed by a justice of the peace, on the complaint, and due proof thereof, by the parent, guardian or next friend of said infant, that, by reason of incorrigible or vicious conduct such infant has rendered his or her control beyond the power of parent, guardian or next friend, and made it manifestly requisite that from regard to the morals and future welfare of such infant, he or she should be placed under the guardianship of the managers of the Minnesota State Reform School.

Second. Infants committed by the authority aforesaid, when complaint and due proof have been made that such infant is a proper subject for the guardianship of the managers of the said Minnesota State Reform School, in consequence of vagrancy or incorrigible, vicious conduct, and that, from the moral depravity or other insuperable obstacle on the part of the parent, guardian or next friend, in whose custody such infant may be, such parent, guardian or next friend is incapable or unwilling to exercise the proper care and discipline over such incorrigible and vicious infant.

Third. Infants who shall be taken and committed as vagrants, or upon any criminal charge, or duly convicted of any criminal offense, such as in the judgment of the court before whom such conviction may be had may be deemed proper reasons for such commitment.



**POWERS OF MANAGERS OVER CHILDREN COMMITTED—APPRENTICING.**

And the said managers shall have the power to place the said children committed to their care during their minority at such employment, and cause them to be instructed in such branches of useful knowledge as may be suitable to their years and capacities; and they shall have the power, at their discretion, to bind out the said children, with their consent, as apprentices for the period of their minority to such persons and at such places to learn such trades and employments as, in the judgment of the said managers will be most conducive to their reformation and amendment, and will tend to the future benefit and advantage of such children.

**PERSONS OVER SIXTEEN YEARS, WHEN COMMITTED.**

Whenever the said board of managers shall ascertain that any person has been received into said school pursuant to the sentence of the district court, who at the time of said sentence was over sixteen years of age, they may cause said person to be returned by the person in charge of said school to the custody of the sheriff of the county in which he was sentenced; and it is hereby made the duty of said sheriff to receive the said person into his possession and to hold him in custody subject to the order of the court. Whenever the sheriff of any county shall have regained the custody of any such person, he shall forthwith notify the county attorney of his county of the fact, and said county attorney shall thereupon move the court at the earliest opportunity thereafter to order said person to be brought before it. The court shall thereupon cause the prisoner to be brought before it at such time as shall seem expedient, and if it shall then appear that the prisoner was more than sixteen years of age when sentenced to said reform school the court shall then proceed to sentence him for the crime of which he was convicted, regardless of the erroneous sentence previously imposed.



## INFANT CRIMINALS—COMMITMENT.

SEC. 3524. That whenever any infant under the age of sixteen years shall have been duly convicted in any of the courts of this State of any crime punishable by imprisonment, except of the crime of murder, it shall be the duty of the magistrate before whom such conviction is had to commit the said infant so convicted to the guardianship of the board of managers of the Minnesota State Reform School.

## COMMITMENT FOR INCORRIGIBILITY—EVIDENCE—APPROVAL BY DISTRICT COURT.

SEC. 3525. That no justice of the peace shall have power to commit any infant to said reform school upon a charge of incorrigibility unless such charge is proved by at least two disinterested witnesses, and no commitment for incorrigibility shall be sufficient to justify the admission of said incorrigible infant into the reform school unless such commitment be approved by the judge of the district court of the district to which the county from which such infant is committed belongs, and no other consent or approval of any officer whatever shall be necessary to authorize the commitment; but in all cases of conviction before a justice of the peace, whether for incorrigibility or any other crime, the justice shall reduce all the evidence taken by him to writing, and state the name, age and residence of each witness examined, and transmit the same forthwith to the judge of the district court aforesaid, whose duty it shall be to examine the same and approve of such conviction. If the conviction of the justice is approved the minor shall forthwith be committed to the said board of managers; if disapproved no other proceeding shall be had.

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## STATUTES OF MINNESOTA, 1894.

## COMMITMENT OF CHILD TO CHARITABLE OR OTHER INSTITUTION.

SEC. 6543. When upon the conviction of any person or persons charged with the commission against any child or

children of the offenses designated in this chapter, it shall appear to the court or magistrate before whom such conviction is had, that the welfare of the child demands that the person so convicted should be deprived of the custody of such child or children thereafter, such court or magistrate may commit such child or children to the reform school, the State public school, or to an orphan asylum, or charitable or other institution, or to make such other disposition thereof as now is or hereafter may be provided by law in the case of vagrant, truant, disorderly, neglected, pauper or destitute children.

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## LAWS OF MINNESOTA, 1895.

## CHAPTER CLX.

SECTION 1. No county commissioner, sheriff or other person having the temporary care or custody of any child or children during or subsequent to the examination to determine his or their alleged dependent or neglected condition, preparatory to his or their commitment to the State public school, shall commit or confine said child in any jail or prison, but such county commissioner, sheriff or other person so having the care or custody of such child or children shall provide suitable accommodation for them at some home or place other than a jail or prison, and the necessary expense for so caring for and keeping said child or children shall be audited and allowed by the board of county commissioners of the county where such examination is being held and paid by the treasurer of said county as other county expenses are paid.

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## GENERAL LAWS OF MINNESOTA, 1899.

## CHAPTER CXXXVIII.

SECTION 1. It shall be unlawful for any person, association of persons, or corporations to bring or send, or cause to be brought or sent into the State of Minnesota any dependent child for the purpose of placing it out or procuring

its adoption within said State of Minnesota, or to place out or procure the adoption of such child, or abandon such child after being brought or sent into this State without first obtaining the consent of the State board of corrections and charities and conforming to this act and such further regulations as the said board may prescribe.

SEC. 2. Such person, association of persons, or corporations must give an indemnity bond in favor of the State of Minnesota in the penal sum of one thousand (1,000) dollars, conditioned as follows:

That they will send or bring into the State no child that is incorrigible, nor one that is of unsound mind or body. That they will remove such of their wards as shall become public charges during their period of indenture, and such as shall be convicted of crime or misdemeanor within three (3) years after the time of their arrival into the State. That they will place each child under a written contract which will secure to such child a proper home and make the foster parent responsible for its proper care and training. That they will properly supervise the care and training of such children, and that each child shall be visited at least once a year by a responsible agent of the child-placing agency. That they will make such reports of their work as the State board of corrections and charities may from time to time require: *Provided*, That this act shall not be construed as prohibiting any person residing in Minnesota from receiving and adopting into his family any child or children from another State.

SEC. 3. The State board of corrections and charities shall have general supervision of the matters contained in this chapter, and may make such other and further regulations not inconsistent herewith, as they may deem necessary for the placing out, adoption and subsequent supervision of such dependent children, and they shall approve both the form and sureties of the bond required.

#### CHAPTER CLIV.

SEC. 2. It shall be the duty of said probation officer or his deputy to be present at all sessions of the municipal court



in and for the principal city in said county, and to be present in the district court of said county whenever any person under the age of eighteen (18) years is brought into court for trial, charged with incorrigibility, vagrancy or with any violation of any State or municipal law or ordinance or regulation. It shall be the duty of said probation officer or his deputy to be present in the probate court of such county whenever any such child shall be brought into said court for the purpose of having it determined whether such child shall be committed to the proper State institution.

SEC. 3. It shall be the duty of the said probation officers to represent the interests of such child in court; to make investigations with reference to the case, which the judge may direct, to take an oversight of such child should the case be continued or the sentence be suspended, and in general to perform such acts with reference to such child as the judgment of the court may direct, which judgment may be such as shall be deemed for the best interest of the child and of society. Said probation officers shall not be active members of the regular police force, but shall in the execution of their official duties have all the powers of police officers. Any officer who refuses or neglects to make returns or to perform any of the duties required of him by this act shall forfeit two hundred (200) dollars to the use of the Commonwealth.

SEC. 4. When any child under the age of eighteen (18) years shall be found guilty of the violation of any law, ordinance or regulation, or of incorrigibility, or vagrancy in any court of record in any county containing more than fifty thousand (50,000) inhabitants, after pronouncing sentence, the judge may stay the execution of the sentence for such period as he may deem proper, not exceeding one (1) year, conditioned upon the good behavior of the child, committing the child on probation during such stay to the care of the probation officer, or he may return the child to the custody of his natural guardian, subject to the supervision of the probation officer, under such conditions as the court may prescribe. If at any time during the stay of execution of the sentence it shall be made to appear to the satisfaction of the court that the sentence should be enforced, the court shall



have the power to revoke the stay of execution and enforce the sentence immediately. If at the expiration of the stay it shall appear to the satisfaction of the court that the said child has complied faithfully with the conditions of his probation the court may suspend sentence absolutely. The court may in its discretion hold separate sessions for the trial and disposition of such cases.

#### CHAPTER CLVI.

SECTION 1. *Be it enacted by the Legislature of the State of Minnesota,* That section four (4) of chapter one hundred and fifty-three (153) of the General Laws of the State of Minnesota for 1895 be amended so as to read as follows:

"That section one (1) of chapter thirty-seven (37) of the General Laws of eighteen hundred and eighty-three (1883) be, and the same is hereby, amended so as to read as follows:

"That whenever any infant over the age of eight (8) years and under the age of seventeen (17) years shall have been duly convicted in any of the courts in this State, of any crime punishable by imprisonment, or shall be convicted of vagrancy or incorrigibly vicious conduct or incorrigibility, the magistrate or any court before whom such conviction is had, may commit said infant so convicted to the guardianship of the board of managers of the Minnesota State training school; and said managers shall have the power to place said children committed to their care, until their arrival at the age of twenty-one (21) years, at such employment, and cause them to be instructed in such branches of useful knowledge as may be suitable to their years and capacity; and they shall have the power, at their discretion, to place in suitable homes, or to bind out as apprentices the said children to such persons and at such places, to learn such trades and employments as in the judgment of such managers may be most conducive to their reformation and amendment, and will tend to the future benefit and advantage of such children."

SEC. 2. That section six (6) of chapter one hundred and fifty-three (153) of the General Laws of the State of Minnesota for one thousand eight hundred and ninety-five (1895) be amended so as to read as follows:

"That no justice of the peace shall have the power to commit any infant to the State training school upon the charge of incorrigibility, incorrigibly vicious conduct, vagrancy, or any other cause, unless such charge is proved by the evidence of at least two (2) witnesses; and no commitment of any infant convicted before a justice of the peace upon a charge of incorrigibility, incorrigibly vicious conduct, vagrancy, or any other cause, shall be sufficient to justify the admission of said incorrigible infant into said State training school, unless such commitment be approved by a judge of the district court of the district to which the county from which said infant is committed belongs, and no other consent or approval of any officer whatever shall be necessary; and in all cases where an infant is convicted before a justice of the peace for any cause, the evidence must show the name, age, residence and occupation of each witness examined, and the justice of the peace shall reduce all the evidence taken before him to writing and transmit the same forthwith to a judge of the district court of the district to which the county from which said infant is convicted belongs, and it shall be the duty of said judge to examine such evidence so transmitted to him, and to approve or disapprove of such conviction forthwith. If the conviction of the justice of the peace is approved by said judge, the infant shall forthwith be committed to the guardianship of the said board of managers: *Provided, however,* That the provisions of this section shall not apply to convictions had in any municipal court in any county of the State of Minnesota containing a population of more than ten thousand (10,000) inhabitants.

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## MISSISSIPPI.

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### ANNOTATED CODE OF MISSISSIPPI.

#### CHAPTER XXIII.

#### TWO CLASSES OF CONVICTS.

SEC. 785. The convicts are divided into two classes for the purpose of fixing their wages when worked on public roads or works and for regulating the bids of convict con-



tractors: First-class, males over sixteen years of age and incorrigible females; and, second-class, males under sixteen years of age.

IF CONVICT OF FELONY BE UNDER SIXTEEN  
YEARS OF AGE.

SEC. 1440. When the court shall be satisfied that a person who has been found guilty of a felony not capital is not more than sixteen years of age, the punishment imposed may, in the discretion of the court, be imprisonment in the county jail not exceeding one year, instead of imprisonment in the penitentiary.

PAUPER CHILDREN APPRENTICED.

SEC. 3159. Each member of the board of supervisors shall report to the board the names of the poor orphan children within their respective districts, and of other children whose parents are unable to support them, and the board of supervisors is authorized to bind out such poor orphans and other children apprentices to such persons as may be approved by the board, until the age of twenty-one years if a male, or eighteen if a female.

DUTY OF MASTER OF APPRENTICE.

SEC. 3160. The person to whom such apprentice shall be bound shall engage to provide the apprentice with a sufficiency of good and wholesome food, necessary clothing, washing and lodging; to treat the apprentice humanely, and also to send him or her to school until he or she learn to read, write and perform any ordinary calculation incident to the business of the master; and at the expiration of the apprenticeship to furnish such apprentice with two suits of new clothing, including hats and shoes, of a substantial kind.

CHILDREN OF TEN YEARS NOT ALLOWED AT  
POOR-HOUSE.

SEC. 3161. It shall be unlawful for any superintendent of a poor-house to permit a healthy child of ten years of age or over to remain at the poor-house; but all such children

being there shall be reported to the board of supervisors, and bound apprentices.

#### CHILDREN OF CONVICTS APPRENTICED.

SEC. 3162. Whenever any person sentenced to the penitentiary may have children, it shall be the duty of the supervisor of the district in which such convict may have resided to ascertain whether such children are proper subjects for his interposition in their favor; and in that case it shall be his duty to report them as other poor children, and they may be bound apprentices in the same way.

#### ARTICLES OF APPRENTICESHIP REVOKED.

SEC. 3163. The board of supervisors may, on the complaint of any supervisor, or any apprentice, made either by himself or by his friend, revoke the articles of apprenticeship and bind out the apprentice anew, if it appear to the board, after hearing the matter, that there is good ground for revocation; but the master shall be notified of the complaint, and have an opportunity to make defense.

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#### ANNOTATED CODE, 1892.

(Thompson, Dillard & Campbell.)

#### CHAPTER LXIV.

#### INSTITUTE FOR THE DEAF AND DUMB—NAME AND FRANCHISE.

SEC. 2320. The institute for the instruction of the deaf and dumb heretofore established at Jackson shall continue to exist for the purposes of its establishment under the name of the "Institute for the Deaf and Dumb" with power to receive and hold property, etc.

#### PARTS OF THE CHAPTER ON INSTITUTE FOR THE BLIND APPLIED.

SEC. 2321. Each section, except the first, on institute for blind, shall apply to institute for deaf and dumb, changing the word blind to deaf and dumb.



CHAPTER LXIII.

INSTITUTE FOR THE BLIND.

SEC. 2310. The institution heretofore established at Jackson for the instruction of the blind shall continue to exist for the purposes of its establishment under the name of the "Institute for the Blind," with power to receive, etc.

SEC. 2316. The board of trustees shall fix the amount to be paid by pupils for board and tuition and the terms of admission and times of payment; and it shall admit, free of all charges upon the certificate of the county superintendent of education, all indigent blind persons who are eligible.

IDIOTS.

SEC. 2837. If the person be adjudged an idiot, fool or other incurable, but harmless and indigent, and not in need of special treatment, he shall be sent to the poor-house.

No reform schools.

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MONTANA.

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MONTANA CODES, 1895.

ARTICLE I.

DEAF, DUMB AND BLIND ASYLUM.

SEC. 2320. The deaf, dumb and blind asylum is hereby established and located at ———, and has for its object the education of the deaf, dumb and blind, and until its management and control are provided by law, the care of such persons is prescribed by this chapter.

SEC. 2321. The governor, secretary of State, and attorney-general constitute a State board of commissioners for the deaf, dumb and blind, of which the governor is president, and the secretary of State is secretary.

SEC. 2322. It is the duty of such board, and they are hereby authorized to contract with any institution in the United States for the education of any deaf mute or blind child between the ages of eight and eighteen years who is

a resident of the State, and whose parents or guardian have no means to educate such child, at the expense of the State for a term of six years, if necessary, and at an expense not exceeding three hundred dollars per annum.

SEC. 2326. The provisions of this chapter extend to and include feeble-minded and imbecile children between the ages named.

SEC. 2330. That the institution for the education of the deaf and dumb now located at the town of Boulder, in Jefferson county, Montana, shall hereafter be designated as "The Montana Deaf and Dumb Asylum."

Act approved March 16th, 1895.

SEC. 2331. The object of said school shall be to teach the English language to all the deaf and dumb children of the State, and to furnish all children who are debarred from the public schools by reason of deafness, dumbness, blindness or feeble-mindedness, with at least an ordinary public school education in all customary branches, and to train them into mastery of such trades as shall enable them to become independent and self-sustaining citizens. Increased facilities shall be furnished from time to time for the more thorough and successful training of those who may show a special aptness for acquiring said trades. This provision shall apply to the female as well as the male department of said school. For the sake of economy and to the end that the aforesaid trades shall be practically taught to the pupils, it shall be the duty of the board of trustees to see that all the work necessary to be done for the school, such as carpentering, printing, painting, baking, sewing and the like, shall, as soon as possible, be done by the pupils themselves under the supervision of competent foremen or teachers permanently or temporarily employed for that purpose.

Act approved March 16th, 1895.

SEC. 2342. The board of trustees, according to such rules and regulations as they may prescribe, on application shall admit into the school all deaf, dumb, blind and feeble-minded residing in the State of Montana, between the ages of six and twenty-one years, who are not unsound of mind



or dangerously diseased in body, or of confirmed immorality or incapacitated for useful instruction by reason of physical disability. All pupils of said school shall be entitled to ten years of attendance at said school, and upon special petition to the board by any pupil who has completed the course of ten years, which petition is approved by the superintendent, said pupil shall be allowed two additional years in the school: *Provided*, That said grant of two additional years shall be conditioned upon the previous record of the petitioner as a pupil and as a moral character in the school, which record shall be considered by the board, who shall then judge as to the justice and utility of granting any extension of time to said petitioner: *And provided further*, That nothing in this section shall be so construed as to prevent suspicion or expulsion of any pupil for insubordination or other good and sufficient cause.

Act approved March 16th, 1895.

SEC. 2346. All feeble-minded persons resident in the State of Montana and qualified after the general manner prescribed in section 2342 of this act, shall be admitted into this school: *Provided*, That every such person shall be capable, in the judgment of the trustees, of at least some mental, moral or physical training, such as falls within the proper function of a school, as distinct from an asylum. To the end that the board of trustees may arrive at some definite method of judging such cases, they are hereby empowered to ascertain and establish certain tests, which tests shall be thoroughly and impartially applied to each case before final admission into the school, and it shall be the object of said tests to ascertain in each case if there be any capacity for mental, moral or physical training: *And provided further*, That as soon as possible in the judgment of the board of trustees, by and with the consent of the State board of education, a separate building and premises, adjoining yet distinct from those of the deaf and blind, shall be provided for such feeble-minded persons, which building and premises shall be more especially adapted to the peculiar needs of said feeble-minded class of persons. The said feeble-minded department shall be under



the general control and supervision of said board of trustees and superintendent; but the trustees, after consultation with the superintendent and at his request may appoint an assistant superintendent, together with specially trained teachers and attendants, whenever in their judgment said feeble-minded department herein provided for shall seem to need such additional attention and supervision.

Act approved March 16th, 1895.

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PENAL CODE, 1895.

THE STATE REFORM SCHOOL.

SEC. 3060. The State Reform School is hereby established at ———, and has for its object the helping and reformatory training of youths between the ages of eight and eighteen, residents of the State, and who, under the rules and regulations established by a competent authority, must be received into the school.

SEC. 3062. That a reform school be, and is hereby, established, to be located at or within three miles of the city of Miles City, in the county of Custer, to be known as the "Montana State Reform School."

Approved March 1st, 1893.

SEC. 3079. Said reform school shall consist of two departments, one for the male and one for the female inmates, and the two departments shall be entirely separated. The matron shall be directly accountable to the director for the management of the female department of the school.

SEC. 3080. All branches taught in the public schools of the State shall be taught in the reform school, and the inmates shall be taught and trained in morality, temperance and frugality, and they shall also be instructed in the different trades and callings of the two sexes as far as possible in the scope of the institution.

SEC. 3086. Boy or girl brought before court for mendicancy, vagrancy or incorrigibility, or charged with any crime, to be committed to the reform school.

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MICHIGAN.

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HOWELL'S ANNOTATED STATUTES, 1882.

## CHAPTER XLIV.

THE MICHIGAN INSTITUTION FOR EDUCATING  
THE DEAF AND DUMB.

SEC. 1836. 1881, page 274, June 7th, September 10th, Act 233.

SECTION 1. *The people of the State of Michigan enact,* That the institution located at Flint for educating the deaf and dumb and the blind shall be known as the Michigan institution for the education of the deaf and dumb.

1851. SEC. 16. In cases where persons, residents of this State, who are deaf and dumb, but who, on account of their poverty, are unable to furnish themselves with suitable clothing and other necessary expenses for attending school at the institution for the deaf and dumb, the board of trustees shall have discretionary power to render them such assistance, not exceeding forty dollars per annum for each person, and for that purpose may issue a certificate, directed to the auditor general, that such amount is necessary for the benefit of such individual, who shall draw his warrant upon the State treasurer therefor; \* \* \*

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## CHAPTER XLV.

## MICHIGAN SCHOOL FOR THE BLIND.

1856. 1879, page 257, May 31st, August 30th, Act 250.

SECTION 1. *The people of the State of Michigan enact,* That there shall be established in this State an institution for the instruction of the blind, under the name and style of the "Michigan school for the blind."

1870. SEC. 15. The object of said school shall be to educate the blind and to afford them instruction in such useful arts and trades as they are best adapted to pursue, and such as will best enable them to maintain themselves. All

pupils received in such (said) school shall be educated in the branches usually taught in the common schools, in vocal and instrumental music, and in such other branches of learning as the board of control shall prescribe. They shall also receive instruction in such mechanical trades as said board shall prescribe, and shall have proper physical and moral training.

1871. SEC. 16. There shall be received in said school as pupils all such blind persons and partially blind persons whose defective sight prevents them from receiving instruction in the common schools, between the ages of ten and twenty-one years, as are in suitable condition of body and mind to receive instruction, and who are residents of this State, and if minors, whose parents or guardians are residents of this State, without charge for tuition, boarding, lodging, washing, medicine or medical attendance: *Provided*, The board of control may, in their discretion, admit persons under the age of ten or over twenty-one years.

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#### RELIEF OF INDIGENT PUPILS ATTENDING THE SCHOOL FOR THE BLIND.

1877. 1881, page 226, May 31st, Act 185.

SECTION I. *The people of the State of Michigan enact*, That in cases where persons, residents of this State, who are blind, but who, on account of their poverty, are unable to furnish themselves with suitable clothing and other necessary expenses for attending school at the Michigan school for the blind, the board of control shall have discretionary power to render them such assistance not exceeding fifty dollars per annum for each person, and for that purpose may issue a certificate, directed to the auditor general, that such amount is necessary for the benefit of such individuals, who shall draw his warrant upon the State treasurer therefor; and any such sums as are hereby appropriated shall be paid out of any moneys in the general fund not otherwise appropriated, and the auditor general shall charge all such moneys so drawn to the county of which such person is a resident, or to which he or she belongs, to be collected and returned to the general fund, as any State taxes are required to be by law.



## HOWELL'S STATUTES.

## MICHIGAN, 1882.

SEC. 9808. 1885, page 145, February 10th, Act 78.

SECTION 1. *The people of the State of Michigan enact,* That there shall be established in this State an institution under the name and style of the "House of Correction for Juvenile Offenders." \* \* \* Amended to Reform School.

SEC. 9819. Each and every boy under the age of sixteen years who shall be legally committed to said school as provided in the foregoing section shall be kept disciplined, instructed, employed and governed under the direction of the board of control of said school until he either be reformed and discharged or until he shall have arrived at the age of eighteen years, and it shall be lawful for said board of control to place in the care of any resident of this State who is the head of a family and of a good moral character, any of the boys of said school on such conditions, and with such stipulations as the board may establish: *Provided,* No boy shall be placed in the care of any person who shall be engaged in the sale of intoxicating drinks, or who is in the habit of getting drunk. \* \* \*

## MICHIGAN REFORM SCHOOL FOR GIRLS.

SEC. 9828. The general supervision and government of said reform school shall be vested in a board of control to consist of three women and two men, who shall be appointed by the governor, by and with the advice and consent of the senate.

SEC. 9836. From and after the time that said institution shall be prepared for the reception of inmates, every girl over the age of seven years and under the age of seventeen years, who shall be convicted before any court or magistrate of competent jurisdiction of being a disorderly person, or of any offense not punishable by imprisonment for life, shall, except in cases deemed incorrigible, be sentenced to said reform school until she shall reach the age of twenty-one years, if such court or magistrate shall deem the girl so convicted a fit subject to be committed to said school. The board of con-

trol shall have authority to make rules reducing, as a reward for good conduct, the time for which such girls have been sentenced. It shall be the duty of all courts and magistrates sentencing girls to said school to certify to the keeper of said school the age of the person so committed, as nearly as can be ascertained by testimony taken under oath before such court or magistrate, or in such manner as the court or magistrate shall direct.

SEC. 9838. From and after the time when said institution is ready for the reception of inmates, all girls between seven and seventeen years of age who are now authorized to be sent to the reform school, or to a house of correction, under and by virtue of "An act establishing a State agency for the care of juvenile offenders," approved April twenty-ninth, eighteen hundred and seventy-three, shall be sent to said Michigan reform school for girls.

SEC. 9842a. That the institution heretofore known and designated as Michigan reform school for girls shall hereafter be known and designated as "The State Industrial Home for Girls."

## STATUTES OF MICHIGAN, 1882.

### CHAPTER XIII.

SEC. 412. *The people of the State of Michigan enact*, That all educational, charitable, reformatory and penal institutions, supported wholly or in part by the State, shall be known as State institutions.

SEC. 417. The boards of State institutions shall, in their biennial reports, recommend what amounts, in its opinion, is needed for the next two years for ordinary current expenses and for special purposes by the institution so reporting, with the reasons for such recommendations. That the boards of charitable, penal and reformatory institutions, before determining on such proposed recommendations, shall submit the same in writing to the board of corrections and charities for its opinion thereon, which last-named board shall visit such State institutions in the month of July, August or September of the year when such report is made and investigate the conditions.



and needs of the same, consider the proposed appropriations and shall make a speedy report in writing to the board of the institution examined, giving its opinion of the proposed appropriations, and the board of such institution shall in its biennial report show to what extent, in the opinion of said board of corrections and charities, such appropriations should be made.

SEC. 418. That before the board of any charitable, penal or reformatory institution shall determine on the plan of any building for school purposes, living rooms, work rooms, or sleeping rooms for inmates, or on any system of sewerage, ventilation or heating, which have been authorized by the Legislature to be constructed, such plans shall be submitted to the board of corrections and charities and the State board of health for examination and opinion thereon; and the board so submitting such plans shall, in its biennial report, show to what extent they were approved by the boards so examining them. That it shall be the duty of said State board to visit said penal, charitable and reformatory institutions, when necessary, to make the examinations herein required, and their official expenses necessarily incurred shall be audited by the board of State auditors and paid from the general fund.

SEC. 419. That the boards of the Michigan institution for educating the deaf and dumb, the reform school, the Michigan reform school for girls, the State public school, the State board of education and the Michigan school for the blind are hereby severally authorized to draw from the general fund of the State treasury, in the months of January, February and March, in the years in which the regular sessions of the Legislature are held, such amount of money as shall be made to appear to the auditor general to be necessary to meet the current expenses of the institution for which the money is asked during said months, which amount drawn shall not exceed one-fourth the amount appropriated for current expenses for such institution for the year preceding said regular session of the Legislature. That the amount so drawn shall be considered as an advance to the institution drawing the money on any appropriation made by the Legislature at its regular session for the year in which the appropriation is



made, and shall be deducted therefrom and transferred to the general fund.

# CHAPTER L.

## STATE PUBLIC SCHOOL FOR DEPENDENT AND NEGLECTED CHILDREN.

SEC. 1962. *The people of the State of Michigan enact,* That the governor shall appoint three commissioners for the purpose of selecting a suitable site and erecting thereon buildings for a State school or temporary home for dependent and neglected children, such institution to be known as the "State Public School."

SEC. 1963. The said commissioners shall have power to receive proposals for the donation of land to the State for such site, and to receive the same by gift, or they may purchase such site if no proper location shall be given for that purpose, and they may receive proposals for donations of money or other securities, in behalf of this State, for the benefit of such school, and they may locate the same at such point as they shall deem for the best interests of this State. They shall receive no pay for their services under this act, except their traveling and other official expenses. That the governor shall be *ex officio* a member of said board.

SEC. 1964. That the deeds for such site shall be duly executed to the people of this State and delivered to the auditor general, and the State treasurer thereupon is hereby directed to pay, on the warrant of the auditor general, to such grantor of whom such site shall be purchased, in case of the purchase of the same, such sums of money as may be required to pay for the site: *Provided*, That not over two thousand dollars shall be paid for that purpose. That said commissioners shall, at their first meeting, appoint from their number a secretary and treasurer.

SEC. 1965. That the sum of fifteen thousand dollars for the year eighteen hundred and seventy-two, and fifteen thousand dollars for the year eighteen hundred and seventy-three, is hereby appropriated for the purpose of carrying into effect the provisions of this act, which said sums the auditor general shall add to and incorporate in the State tax for the

years eighteen hundred and seventy-one and eighteen hundred and seventy-two, and, when collected, shall be passed to the credit of the State public school fund, and may be drawn by the treasurer of said commissioners upon warrants made by their secretary, approved by commissioners and countersigned by the governor.

SEC. 1966. It shall be the duty of the secretary of said commissioners to render, quarter-yearly, to the auditor general, accounts current of all cash transactions, and all moneys received, with the proper vouchers; and no money shall be drawn by virtue of this act by said commissioners unless they shall have first filed with the auditor general an estimate and statement, showing the purpose for which such money is required.

SEC. 1967. The said commissioners shall have the superintendence of the grounds, and the design and construction of the necessary buildings, with power to appoint an architect, superintendent and other necessary agents and assistants, and to fix the compensation for their services, subject to the approval of the governor; the principal building shall have a capacity for not less than one hundred children.

SEC. 1968. Said commissioners, before they enter upon the duties of their office, shall each take and subscribe the constitutional oath of office, and file the same in the office of the secretary of State, and the treasurer of said commissioners shall give his bond to the people of this State in the penal sum of ten thousand dollars, with two or more sufficient sureties approved by the governor, conditioned for the faithful performance of the duties required of him, and to properly account for all moneys received by him under this act.

SEC. 1969. When the State public school shall be finished, the said commissioners shall make, under their hands, a certificate thereof, which shall be transmitted to the governor; who shall thereupon give public notice that the same is ready for the reception of dependent and neglected children. That after the completion of the State public school building, and until the last day of the session of the Legislature next succeeding such completion, said commissioners shall have the control and government of said State public

school, with the same authority and duties as are given to the board named in section nine of this act.

SEC. 1970. The general supervision and government of said State public school shall be vested in a board of control, to consist of three members, who shall be appointed by the governor, by and with the advice and consent of the senate, the members of which board shall hold their offices for the respective terms of two, four and six years from the last day of the session of the Legislature next after the completion of said State public school building, and until their successors shall be appointed and qualified, said respective terms of office to be designated in their several appointments; and thereafter there shall be one of said board appointed every two years, whose term of office shall continue for six years, or until his successor is appointed and qualified. The members of said board shall constitute a body corporate, under the name and style of the "Board of Control of the State Public School," with the right of suing and being sued, of making and using a common seal and altering it at pleasure. That said board of control shall have the power of taking and holding by purchase, gift, donation, devise or bequest, real or personal estate to be applied to the use of the institution.

SEC. 1971. It shall be the duty of said board of control to meet once in three months on its own adjournments, and oftener if necessary; that the said board shall elect from its own number a president and secretary; also a treasurer, who may or may not be a member of said board; each of whom shall hold his office during the pleasure of said board; that the said treasurer shall give his bond to the people of this State, with two or more sufficient sureties, to be approved by said board and the governor, in the penal sum of a (at) least ten thousand dollars, or in such additional penal sum as said board may require, conditioned for the faithful performance of the duties required of him by law, and to account for and pay over as required by law all moneys received by him as such treasurer, and when not a member of said board may be paid for his services as other employes of said institution. The said board of control shall establish a system of government for the institution, and shall make all necessary rules and



regulations for enforcing discipline, imparting instruction, preserving health, and for the proper physical, intellectual and moral training of the children. The said board shall appoint a superintendent, a matron and such other officers, teachers and employés as shall be necessary, who shall severally hold their offices or places during the pleasure of said board, and said board shall prescribe their duties and fix their salaries subject to the approval of the governor.

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HOWELL'S ANNOTATED STATUTES OF MICHIGAN, 1883-1890.

STATE PUBLIC SCHOOL FOR DEPENDENT AND NEGLECTED CHILDREN.

SEC. 1972. Whenever the superintendents of the poor of any county shall find in their county any child over two and under twelve years of age, who, in their opinion, is dependent on the public for support, and is sound in mind and body, they shall file a petition in the probate court of their county, signed by at least two of their number, wherein they shall state that in their opinion the child named is dependent on the public for support, is between two and twelve years of age, is sound in mind and body, and has no parents against whom its support can be enforced as provided by law. They shall also therein give the names, residence and occupation of the parents or either, so far as they are able, whether either is dead or has abandoned the child; requesting therein an examination and determination by said court as to such alleged dependence, and should the child be found by said court to be dependent on the public for support, that an order be entered sending it to the State public school. That upon the filing of such petition, if it shall appear therein that one or both of said parents reside in said county, the judge of said court shall issue a citation fixing the time and place for the hearing of such petition, which shall be served on one or both said parents if either can be found in said county, not less than two days before the time fixed for said hearing, requiring them to appear on said day and hour and show cause,

if any, why said child should not be declared by said court to be dependent on the public for support and sent to the State public school. That in case it shall appear by such petition that neither of said parents are living, or do not reside in said county, or in case one or both of said parents shall endorse on said petition a request that the child be sent to said school as requested therein, then the citation herein provided for need not be issued and the court may thereupon proceed to the examination herein provided for. It shall be the duty of the officer receiving such citation to use due diligence to find and serve the same on one or both of said parents; yet the proceedings under such petition shall not be deemed invalid by reason of any failure to serve such citation or by any informality or irregularity in such petition or service.

SEC. 1973. That on such examination the child shall be brought before said court by said superintendents of the poor; whereupon it shall be the duty of said judge to investigate the facts and ascertain whether said child is dependent on the public for support, its residence, and, as far as possible, the whereabouts of the parents, when and how long the child has been maintained in whole or in part by public or private charity, the occupation of the parents, if living, whether they are supported by the public, or have abandoned the child, and to ascertain, as far as possible, if the child is found dependent, the causes thereof. The said judge is authorized to compel the attendance of witnesses on such examination, and it shall be the duty of the prosecuting attorney of the county, when requested by said judge, to appear in any such examination in behalf of the petition. Any friend of said child may appear in said court in its behalf, and the said judge may, in his discretion, request the supervisor of any township or ward to appear in behalf of the child, yet it shall not be necessary to issue any citation or other notice to other than the parents. The record of the proceedings shall show who, if any one, appeared on (in) behalf of the child on such examination.

SEC. 1974. That if on such examination the said judge shall find that the said child is dependent on the public for



support, is over two and under twelve years of age, and is sound in mind and body, he shall enter such finding by a proper order in the journal of the probate court in his office certifying that the child is dependent on the public for support and is entitled to admission to the State public school at Coldwater, and ordering that it be taken to said school by the superintendents of the poor and admitted therein, and shall deliver to the said superintendents of the poor a certified copy of such order, which shall contain, besides said findings, a statement of the facts that are herein required to be inquired into, so far as they have been ascertained; and that said superintendents of the poor shall deliver such copy, with said child, at said school, to the superintendent thereof, as soon as practicable after the making of such order. That, upon entering such order, the parents of said child shall be released from all parental duties toward and responsibility for such child, and shall thereafter have no rights over or to the custody, services or earnings of such child, except in cases where said board may, as herein provided, restore the child to its parents.

SEC. 1975. The object of this act is to provide a temporary home for dependent children in said school where they shall be retained only until they can be placed in family homes. The said board is hereby made the legal guardian of all children who shall be received in said school, and it shall be its duty to use special diligence in providing such suitable homes for such children as shall be approved, as herein provided, and to place them therein on a written contract to remain until they are twenty-one years of age, or in the discretion of said board until they are eighteen years of age. Such contract shall provide for their education in the public schools where they reside for teaching them some useful occupation, and for kind and proper treatment as members of the family where placed, and for the payment, on the termination of such contract, to said board for such children such sum of money as may be provided for in said contract. Whenever any ward of said board who is not indentured has become self-supporting the said board may so declare by resolution, and thereupon said guardianship shall cease and



control of the State public school is hereby authorized to consent to the adoption of any child who has or shall become an inmate of said institution, by any person or persons, pursuant to the provisions of an act entitled "An act to provide for changing the names of minor adopted children, and of other persons," approved February two, eighteen hundred and sixty-one; and that on such adoption the said board of control shall cease to be the guardian of the child so adopted.

SEC. 1979. The said board of control is authorized to designate some officer, teacher, or other employé connected with said school to be the agent thereof, who shall be known as the agent of the State public school, and who shall act in that capacity during the pleasure of said board. That his duties as such agent shall be prescribed by said board, and shall include visiting, at such times as said board shall direct, the wards of said board which have been placed in families, and reporting to said board the condition of such children, and any failure to comply with the terms of the indenture contracts; and (that) it shall also be his duty to find suitable homes for the children of this school, to investigate applications for such children, and to enter into contracts, in writing, on behalf of said board, with persons taking such children; such contracts to contain a clause reserving to said board the right to cancel the same when, in the opinion of said board, the interest of the child requires it, and may also contain a clause authorizing the person taking the child to cancel the same any time within sixty days from the date of the contract, on returning said child to said school free of all expenses; that the authority herein given said agent is also hereby conferred upon the superintendent of said school; that the salary and necessary traveling expenses of said agent shall be first examined and allowed by said board, and shall then be audited by the board of State auditors and paid from the general fund.

SEC. 1981. It shall be the duty of said board to obtain information as often as practicable from all the children placed in families from this school, and to secure, so far as possible, the education and good treatment of such children and the full performance of indenture contracts. It shall be the duty of said board to procure written reports from such children

at least once in each six months, one of which shall be from the person to whom the child is indentured, and the other from the agent of said school or from the agent of the board of corrections and charities for the county where the child resides, the superintendent of said school to notify the officer he desires to visit the child and make the report. If it shall appear to said board by such report, or from any other source, that the child visited is neglected or ill-treated, or is not being educated by the person with whom it is placed, or that the person having such child is unfit to have the care thereof, the said board, or the superintendent of said school, who may be authorized so to do by said board, shall cancel the contract and cause the child to be returned to said school or removed directly into some other home, and notice thereof shall be given the county agent of the county.

SEC. 1982. Any person desiring to take a child from said school by indenture or adoption may apply for that purpose in writing, in such form as said board shall prescribe, to the superintendent or agent of said school, or to the agent of the board of corrections and charities of the county where the applicant resides. That either of said officers who shall receive such application, other than said superintendent, shall investigate the same and report in writing, to the superintendent, in such form as said board shall prescribe, the facts ascertained, and whether, in his opinion, the applicant is a proper person to have the care and education of the child; and no child of said school shall be placed in a home on trial or by indenture or adoption, unless the same shall be approved by the agent of said school, or by the agent of the board of corrections and charities of the county where the applicant resides. It shall be the duty of the agent of said school, or the agents of the State board of corrections and charities, in their respective counties, to visit the children of said school in families on indenture, at such time as they may be requested so to do by the superintendent of said school and only at such times; and shall then inquire into the management, condition and treatment of such children, and shall, as soon as practicable, report to the superintendent of said school the facts ascertained, showing whether the indenture



contracts are being faithfully executed; and whenever it shall come to the knowledge of any such officer, so authorized to make such visits, that any child of this school in a family, on trial or on indenture, is being ill-treated, he shall immediately investigate the case and report the facts as aforesaid.

SEC. 1983. It shall be the duty of said board to preserve in said institution all legal papers, reports and other valuable papers relating to each child, and shall provide and keep suitable record books, in which shall be entered, during the time of the guardianship of said board, a brief history of each child, showing its name, age, county, residence, when received, indentured or adopted; the names, residence, occupation, habits and character of the parents, so far as can be ascertained, and the name, residence and occupation of the person who has taken the child by indenture or adoption.

#### CHAPTER LII.

#### PROTECTION OF CHILDREN IN CERTAIN CASES.

SEC. 2003a. That any person desiring to have a minor child apprenticed, bound out, indentured, given away, or otherwise disposed of to him or her by the persons or officers herein authorized to dispose of such child, by either of the methods stated, may apply in writing to the county agent of the State board of corrections and charities, or to a superintendent of the poor of the county where the applicant resides, requesting him to examine and report in writing on the suitability of the home of said applicant for the child, and thereupon it shall be the duty of such agent or superintendent to make such examination and report, and in no case shall any such child be apprenticed, bound out, indentured, given away or otherwise disposed of to any such applicant unless such certificate shall show that the applicant is a person of good moral character, that he is able to support and educate the child, and that his or her home is a suitable one for the child. That such application and certificate shall be filed in the probate court of said county on the payment by said applicant to said agent or superintendent the sum of three dollars for his services under this act.

SEC. 2003a1. That on filing said application and cer-



tificate a contract in writing shall be entered into by and between said applicant and the person authorized to dispose of the child, in which the latter shall agree that said child may remain with said applicant until it is eighteen or twenty-one years of age, as may be agreed on by the contracting parties; that said applicant shall support said child, and treat him or her as a member of his family; that he will keep him or her in school at least four months in each year; that he will teach him or her some useful trade or occupation, and that should said agent or superintendent at any time deem the interest of the child requires it, he may, with the approval of the judge of probate of the proper county, cancel said contract, assume possession of the child, and re-indenture him or her in the manner herein provided.

SEC. 2003a2. It shall be unlawful for any person to indenture, apprentice, bind or otherwise dispose of any minor child to any person except by the following methods:

First. Under this act, by the parents residing in this State, and if either be dead, or of legal incapacity, or has abandoned the child, then by the other; and in case there is no father or mother resident of this State, of legal capacity, who has not abandoned the child, then by a guardian of the child, resident of this State, duly appointed under the laws thereof.

Second. In accordance with act number one hundred and twenty-six of the public acts of eighteen hundred and eighty-three, being chapter two hundred and forty-one of Howell's Annotated Statutes.

Third. By (the) officers of State institutions authorized by law to place children in families by indenture or otherwise.

Fourth. By the officers of asylums for children incorporated under the laws of this State, and authorized to place children in families by indenture or otherwise.

Fifth. In accordance with act number one hundred and forty-four of the public acts of eighteen hundred and eighty-seven, entitled "An act to provide for the adoption and change of name of minors, and for making them heirs-at-law of the person or persons adopting them."

And in no case shall any child be indentured, apprenticed, bound out, adopted or otherwise disposed of by any of the methods named herein, or under any law of this State except on the approval of the person taking the child, and on indenture as provided in this act. Any person having the custody, care or control of any minor child who shall indenture, apprentice, bind out, give away, have adopted or otherwise dispose of such child to any person, and any person who shall take such child indentured, apprenticed, bound out, given away, adopted or otherwise disposed of to him or her, except in the manner herein named, shall be deemed guilty of a misdemeanor.

SEC. 2003a3. This act shall apply to all children brought into this State from other States by or for societies taking care of destitute, abandoned or orphan children, which children would be a State, county or town charge, except as taken by indenture or given to persons to adopt or take charge of in this State. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 2003a4. Every child under sixteen years of age who is ill-treated within the meaning of this act by his father, mother or guardian, is hereby declared to be under the protection of public authority, and may be removed from such parent or guardian as herein provided.

SEC. 2003a5. An ill-treated child is hereby declared to be:

First. One whose father, mother or guardian shall habitually violate or permit such child to violate the provisions of sections one, two, five and six of this act.

Second. One whose father, mother or guardian habitually causes or permits the health of such child to be injured or his life to be endangered by exposure, want, or other injury to his person, or causes or permits him to engage in any occupation that will be likely to endanger his health or life, or deprave his morals.

Third. One whose father, mother or guardian is an habitual drunkard or a person of notorious and scandalous conduct, or a reputed thief or a prostitute, or one who habitually permits him to frequent public places for the pur-

pose of begging or receiving alms, or to frequent public places for the purpose of begging or receiving alms, or to frequent the company of or consort with reputed thieves or prostitutes, with or without such father, mother or guardian, or by any other act, example, or by vicious training depraves the morals of such child.

SEC. 2003a6. Upon complaint made to the judge of probate of the proper county that any child has been ill-treated in either manner stated in this act, he shall examine the complainant on oath, and shall reduce the complaint to writing and cause the same to be subscribed by the complainant, and if it shall appear that such offense has been committed, the judge of probate shall issue a writ reciting the substance of the complaint and require the officer to whom it is directed to forthwith bring the child so alleged to have been ill-treated, and the parent or guardian charged with such ill-treatment before such judge of probate, to be dealt with according to law; and in the same writ he may require the officer to summon such witnesses as shall be named therein to appear and give evidence on trial.

SEC. 2003a7. That on the return of such writ with said child and the accused, the judge of probate shall proceed to hear and determine the cause. If it shall appear by the return of the officer that the accused cannot be found in the county, the hearing shall proceed without him. If the child shall be without counsel, it shall be the duty of the prosecuting attorney, on the request of the judge of probate, to appear in his behalf. If the accused or counsel for the child shall so request, the judge of probate shall order a jury to be summoned to find the facts in the case, and the judge of probate may in his discretion order a jury on his own motion. The jury so ordered shall be a jury of six persons, and shall be summoned and empaneled in accordance with the law relating to juries in courts held by justices of the peace. If on the hearing the judge of probate shall find, or the verdict of the jury shall determine that the allegations in the complaint are true, the judge of probate shall make and enter an order that the accused has forfeited his right to the custody of the child during minority, and that the child be dis-



posed of in the discretion of the judge of probate, by one of the following methods:

First. By the appointment of a respectable and suitable person of sufficient means as guardian of the custody and education of the child, who shall not be required to give bonds as such guardian, unless it shall appear that such child has personal or real property, who shall execute a written agreement in form approved by said judge of probate, and filed in said court, which shall provide for the treatment of the child as a member of the family, and for his proper support and education in the public schools. On complaint thereafter made to the judge of probate that said guardian does not faithfully execute the terms of said contract, the said judge of probate shall cite said guardian to appear before him, and if it is then found that the allegations in the complaint are true, the said judge of probate may cancel the contract and make a new order for the disposition of the child as herein provided.

Second. By sending such child, if over two and under twelve years of age, and sound in mind and body, to the State public school at Coldwater, to be there received and to be subject to such disposition as the laws regulating that institution provide.

Third. By delivering such child to the superintendents of the poor, if he is under two or over twelve years of age, or is not sound in mind and body, to be by them indentured to some suitable person, according to the provisions of sections eight and nine of this act, or to provide for him by the county as for other poor persons.

SEC. 2003a8. In all suits or proceedings in chancery, and in all *habeas corpus* proceedings where the custody of any child under sixteen years of age is in controversy, if the court or judge shall be satisfied from the evidence that either party to such proceedings would ill-treat such child, within the meaning of this act, if placed in his custody, or otherwise would be unsuitable to have such custody, the said judge or court may order that the other party to such proceedings shall have the custody of such child during minority, if it shall appear to the satisfaction of such judge or court that

such other party would be a suitable one to have such custody, and would not ill-treat such child within the meaning of this act. And if it shall appear to the satisfaction of the judge or court that neither party to such proceedings is a suitable one to have such custody, the judge or court shall order that the parties to such proceedings have forfeited any rights that they may have had to the custody of said child during minority, and the custody of such child during minority shall, in the discretion of such judge or court, be disposed of by such judge or court by either of the methods provided in section fourteen of this act. The contract when made and approved by said judge or court shall be filed in the probate court, and the judge of the probate court where such contract is filed, shall have the same authority to cancel such contract and dispose of the child again, as provided in said section fourteen as in other cases: *Provided*, That in all cases arising under the provisions of this act appeal shall be allowed as in other cases triable before said court.

#### PROTECTION OF CHILDREN FROM EDUCATION IN CRIME.

SEC. 2003a9. *The people of the State of Michigan enact*, That if any child under fourteen years of age shall be bound out, apprenticed or given away by its parents, or either of them, and it shall be discovered that the person to whom such child is bound out, apprenticed, or given shall be the proprietor, keeper or manager of a house of prostitution, saloon or other place where intoxicating liquors or wine is sold, given away, or furnished as a beverage, or if such person shall become of such immoral habits and modes of life, or if such person shall, as regards such child, violate the provisions of sections one, two or five of act number two hundred and sixty of the session laws of eighteen hundred and eighty-one, or the acts amendatory thereof, or if such person shall by his or her care and education of such child be teaching such child to lead an immoral or criminal life, in every such case such child shall be removed from the care and custody of such person and placed in the custody of its mother, if a suitable person, or in some State institution,



or put into the custody of some other person as in this act prescribed: *Provided*, That the provisions of this section shall not be applicable to the proprietor or keeper of any hotel, nor shall they apply to the proprietor or keeper of any saloon or restaurant whose residence is in a building other than that in which their business is carried on.

SEC. 2003*b*. If complaint shall be made to the judge of probate of the proper county of any of the facts aforesaid, the judge of probate shall, by writ issued under his hand, summon and have brought before him such child and the person having the custody of such child, and investigate such facts, and if satisfied that the complaint is true, and that the welfare of such child requires that it should be placed under other care, such judge shall make an order for the removal of such child to his or her home, or to another home, and shall declare all contracts and arrangements made with the person having the custody of the child, when the complaint was made, at an end, and shall bind out, indenture, or give for adoption such child to some suitable person, or place such child in the State public school, or may return the same to its parents, as the judge of probate shall determine.

SEC. 2003*b*1. The institution to which such child shall be committed shall receive such child, and care for and dispose of the same as with other children committed to or taken charge of by the said institution.

#### CHAPTER CXCVIB.

#### COMPULSORY REFORMATORY EDUCATION OF JUVENILE OFFENDERS.

SEC. 5174*n*. *The people of the State of Michigan enact*, In all cities and villages in this State maintaining and supporting a graded school, the board of education or other officer or officers having charge of the schools of said cities and villages, may establish one or more ungraded schools for the instruction of certain children, as defined and set forth in the following sections, and they may, through their authorized agents or officers, require said children to attend said ungraded schools during the whole or a portion of each school day, as they may direct.



SEC. 51740. In all cities having a duly organized police force, it shall be the duty of the police authority, at the request of the school authority, to detail one or more members of said force to assist in the enforcement of this act; and in cities or villages having no regular police force it shall be the duty of the board of education, or the school district officers to designate one or more constables of said city or village, whose duty it shall be to assist in the enforcement of this act, as occasion may require, and said board of education shall fix and determine the compensation to be paid such constable for the performance of his duties under this act, and shall pay the same from any moneys in their hands raised or provided for the general expenses of the public schools. Members of any police force, or any constable designated to assist in the enforcement of this act, as provided in this section, shall be known as truant officers.

SEC. 51741. The following class of persons between the ages of eight and sixteen years shall be deemed juvenile disorderly persons, and shall be subject to the provisions of this act.

Class One. Habitual truants from any school in which they are enrolled as pupils.

Class Two. Children who, while attending any public school, are incorrigibly turbulent, disobedient, or insubordinate, or are vicious or immoral in conduct.

Class Three. Children who are not attending any school, and who habitually frequent streets and other public places, having no lawful business, employment or occupation which renders attendance at school impossible.

SEC. 51742. It shall be the duty of the truant officers, under the direction of the aforesaid school authorities, or their authorized agents, to warn alleged truants and incorrigibles, and their parents or guardians of the consequence of belonging to any of said classes of juvenile disorderly persons, as set forth and defined in this act. They shall also, under direction as aforesaid, serve written or printed notice upon the parent or guardian of any child belonging to class one, or to class two, as described and defined in section three of this act, that said child must begin regular attendance at

the ungraded school within five days of the service of such notice.

SEC. 5174r. They shall also under direction, as aforesaid, give written or printed notice to the parent or guardian of any child belonging to class three, as described and defined in section three of this act, that said child is not attending any school, and require said parent or guardian to cause said child to begin regular attendance at the ungraded school within five days of the date of the service of said notice.

SEC. 5174s. If said parent or guardian, or other person having the legal charge and control of said child shall wilfully refuse, fail or neglect to cause said child to attend said ungraded school, after notice given, as prescribed in sections four and five of this act, it shall be the duty of said officer to make, or cause to be made a complaint against said parent, guardian or other person having the legal charge and control of such child, before a justice of the peace in the city or village where the party resides, except in cities having a recorder's or police court, for such refusal or neglect, and said justice of the peace, police judge, or recorder's court shall issue a warrant upon said complaint and shall proceed to hear and determine the same, and upon conviction thereof said parent, guardian, or other person, as the case may be, shall be punished by a fine not less than ten dollars, nor more than twenty-five dollars, or the court may in its discretion require the person so convicted to give a bond in the penal sum of one hundred dollars with one or more sureties to be approved by said court, conditioned that said person so convicted shall cause the child or children under his legal charge or control to attend at the ungraded school within five days thereafter, and to remain at said school during a full school term of twenty school weeks, dating from time of beginning of said attendance: *Provided*, That if said parent or guardian, or other person in charge of said child shall under oath, plead inability to cause said child to attend said ungraded school, then said parent or guardian or other person shall be discharged, and said justice of the peace, or court shall, upon complaint of said truant officer or other person that said child is a juvenile disorderly person, as described in section



three of this act, issue a warrant and proceed to hear such complaint, and if said justice of the peace or court shall determine that said child is a juvenile disorderly person within the meaning of this act, then said justice of the peace or court shall thereupon, and after consultation with the county agent, sentence said child, if a boy, to the reform school at Lansing, or if a girl, to the industrial home for girls at Adrian, as the case may be, for one year or for a longer term not extending beyond the time when said child shall arrive at the age of sixteen years, unless sooner discharged by the board of control of said reform school, or industrial home for girls: *Provided, however,* That such sentence may be suspended in the discretion of said justice of the peace, police judge, or judge of the recorder's court for such time as said child shall regularly attend school, and properly deport himself or herself: *It is further provided,* That if for any cause the parent or guardian, or other person having charge of any juvenile disorderly person, as defined in this act, shall fail, after notice as heretofore prescribed in this act, to cause such juvenile disorderly person to attend said ungraded school, or if such parent, guardian, or other person shall make the complaint, as provided in this act, without proceedings having been taken against him, as in this act provided, or if said juvenile disorderly person have no parent or guardian, then complaint against such juvenile disorderly person may be made, heard, tried and determined in the same manner as is provided for in case the parent pleads inability to cause said juvenile disorderly person to attend said ungraded school: *And it is further provided,* That no child under the age of ten years shall be sent to the reform school, or industrial home for girls.

SEC. 5174<sup>1</sup>. When it appears to the school authorities that the parent, guardian or other person is unable to provide suitable books for said child, said child shall be furnished by the school board with such books as are required in the course of studies pursued in such ungraded school, and said books shall be the same in all respects as those in use in other schools in said city or village, and no distinction in form, color, labeling, or substance shall be permitted. The



expense of said books shall be paid for from the school fund of said municipality and levied and collected in the same manner as all other school taxes.

SEC. 5174u. *It is further provided*, That the provisions of act number one hundred and forty-four of the public acts of eighteen hundred and eighty-three, entitled "An act to provide for the compulsory education of children in certain cases," approved May thirty-first, eighteen hundred and eighty-three, limiting such compulsory education to a period not exceeding four months in any one year shall not, so far as said limitation is concerned, have any application to the class of juvenile disorderly persons provided for in this act. *It is also provided*, That sections six,\*seven, eight, nine, ten and eleven, of act one hundred and forty-four, of the session laws of eighteen hundred and eighty-three, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

#### CHAPTER CCCXLII.

#### THE REFORM SCHOOL.

SEC. 9817. Every male person under the age of sixteen years and over the age of ten years, who shall be convicted before any court or magistrate of competent jurisdiction, for any offense punishable by law, by fine or imprisonment, or both, and who, in the opinion of the court or magistrate, would be a fit subject for commitment to the reform school, except in cases of offenses punishable by law by imprisonment for life, may be sentenced by such court or magistrate to the reform school until he shall reach the age of seventeen years, or until discharged by law, and such court or magistrate shall certify to the superintendent of said reform school the age of all persons committed as near as can be ascertained, with cause of commitment, embracing all important facts connected therewith: *Provided*, That no person under the age of eleven years shall be sentenced to the reform school as a disorderly person: *Provided, further*, That all judgments and commitments rendered and made under this act by police courts and justices of the peace shall upon the reviewal by the proper circuit or probate judge of the pro-

ceedings and testimony taken or had on the trial be approved; and that if such sentence be disapproved, such police court or justice is hereby authorized to pass sentence, as in other cases provided by law.

SEC. 9819. (AM. 1885, page 237, June 10th, Act 172). Each and every boy under the age of sixteen years who shall be legally committed to said school, as provided in the foregoing section, shall be kept, disciplined, instructed, employed, and governed under the direction of the board of control of said school, until he either be reformed and discharged, or until he shall have arrived at the age of seventeen years; and it shall be lawful for said board of control to place in the care of any resident of this State, who is the head of a family and of good, moral character, any of the boys of said school on such conditions, and with such stipulations as the board may establish: *Provided*, No boy shall be placed in the care of any person who shall be engaged in the sale of intoxicating drinks, or who is in the habit of getting drunk. It shall be the duty of the board of control, and they shall have power to return any boy to the authorities of the county or city from which he shall have been received, whom the said board may deem to be an improper subject for their care and management, or who shall be found to be incorrigible, or whose continuance in the school they may deem prejudicial to the management or discipline thereof, or who ought, in their judgment, for any other cause to be returned from said school. In every such case it shall be the duty of said board of control to transmit to the court or magistrate by whom said boy was committed to said school, a statement of the reasons of said return, and it shall be the duty of the authorities of the city or county to whom said boy shall be returned, to produce said boy before the court or magistrate by whom said boy was tried, convicted and committed, or his successor in office, as soon as the same can reasonably be done; and such court or magistrate shall have power thereon to make such order and have such proceedings as would have been legal in the first instance, and would have been made or had in the case, if the boy had not been sent to the reform school. Said board of control



shall also be authorized, when in their judgment it may be deemed proper or expedient, to give boys leave of absence, in writing, with conditions therein expressed, for a limited period, or during good behavior, and in case of misconduct or other satisfactory reasons they may claim and return to the care of the school for such time as they were originally sentenced without other trial or commitment, or process of law, any boy granted such leave of absence; their further detention shall in no way be affected thereby, either to their prejudice or advantage. Such board of control shall also have power to return any boy to his parents, or other guardian, when they shall have become bound in sufficient sureties for the good behavior and care of such boy.

SEC. 9821a. Said board of control shall have the authority to designate some officer, teacher, or other employé of said board to be the agent thereof, who shall be known as the agent of the reform school, and shall act in that capacity during the pleasure of said board. The duties of said agent shall be prescribed by said board, and shall include visiting at such times as said board shall direct, the wards of said board who have been placed in families or are released from the school on leave of absence, and report to said board the condition of said wards. It shall also be his duty to investigate applications for boys from the reform school, and to find suitable homes for them. The necessary traveling expenses of said agent shall be first examined and certified to as correct by said board of control, and shall then be audited by the board of State auditors and paid from the general fund.

#### CHAPTER CCCXLIII.

##### THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

SEC. 9836. From and after the time said institution shall be prepared for the reception of inmates, every girl over the age of ten years and under the age of seventeen years, who shall be convicted before any court or magistrate of competent jurisdiction of being a disorderly person, or of any offense not punishable by imprisonment for life shall (except in cases deemed incorrigible) be sentenced to said industrial



home until she shall reach the age of twenty-one years, if such court or magistrate shall deem the girl so convicted a fit subject to be committed to said industrial home. The board of control shall have authority to make rules reducing the term for which such girl shall have been sentenced, as a reward for good conduct. It shall be the duty of all courts and magistrates sentencing girls to said home to certify to the keeper of said home the age of the person so committed, as nearly as can be ascertained by testimony taken under oath before such court or magistrate, or in such manner as the court or magistrate shall direct.

#### DETENTION OF GIRLS IN THE HOUSE OF THE GOOD SHEPHERD AT DETROIT.

SEC. 9842c. *The people of the State of Michigan enact,* That the police justices of the city of Detroit, and the justices of the peace of any township of the county of Wayne, and the recorder's court of the city of Detroit shall each have the power on conviction of any offense for which a girl may be sent to the State industrial home for girls, when requested by the parent (parents) or guardian of any girl over the age of seven years and under the age of seventeen years, to commit her to imprisonment in the house of the Good Shepherd of the city of Detroit for the like period as by law such girls may be committed to the State industrial home for girls or house of correction. In all cases, except in said recorder's court, such commitment shall be approved by a circuit or probate judge of the county of Wayne before the same shall be executed, and such approval shall be endorsed by the judge so approving of the same upon the warrant of commitment. And in all such cases of persons committed the persons in charge of the house of the Good Shepherd shall have authority, whenever in their discretion they shall deem any one so sentenced to have so far reformed as to justify her discharge, to liberate her or bind her for term of said commitment by articles of indenture to any suitable person who shall engage to educate said girl, and to instruct her in household work, or in some proper art or trade, or to return such girl to her parents or guardians, as the case may be. And

they shall annually report their action in the premises to the recorder's court of the said city of Detroit: *Provided*, That the State shall in no case be chargeable with any expense on account of any girls being sent to the house of the Good Shepherd at Detroit.

#### CHAPTER CCCXLVI.

#### STATE AGENCY FOR THE CARE OF JUVENILE OFFENDERS.

SEC. 9894. *The people of the State of Michigan enact*, That the governor may appoint in each county of this State, an agent of the State board of corrections and charities for the care of juvenile offenders and dependent children, who shall hold his office during the pleasure of the governor, and shall be known as the county agent for the county for which he is appointed. Before entering upon the duties of his office, and within thirty days after receiving notice of his appointment, the said agent shall take and file with the county clerk of the county for which he was appointed the oath of office prescribed by the constitution of this State; and upon such qualification it shall be the duty of the county clerk to immediately transmit notice thereof to the circuit judge, probate judge, each justice of the peace, and all other magistrates of the county having competent jurisdiction for the trial of juvenile offenders, and also to the superintendent of State institutions which place children in families by contract, indenture or adoption. Said agent shall receive as compensation for his services under this act his necessary official expenses, together with the sum of three dollars in full for his services for each case investigated or visited and reported on as hereinafter provided, but not exceeding three dollars for any one day's service, which shall be audited by the board of State auditors, and paid from the general fund; and when such services and expenses relate to the indenture, adoption or visiting of the children placed in families by any State institution, the amounts therefor shall be certified by the superintendent of the institution to which the children belonged: *Provided*, That the sum allowed for the services of



said agent in any county, except the counties of Wayne, Kent, Saginaw, Bay and Ingham shall not, in any one year, exceed the sum of one hundred dollars, and that in the counties of Wayne, Kent, Saginaw, Bay and Ingham the sum so allowed for such services shall not in any one year exceed the sum of two hundred dollars.

SEC. 9895. Whenever a complaint is made or pending against any boy under the age of sixteen years, or girl under the age of seventeen years for the commission of any offense not punishable by law with imprisonment for life before any court or magistrate having competent jurisdiction thereof, it shall be the duty of such court or magistrate at once, and before any further proceedings are had in the case, to give notice in writing of the pendency to said agent, if there shall be one in said county, who shall have opportunity allowed him to investigate the charge or charges, and upon receiving such notice the agent shall immediately proceed to inquire into and make a full examination of the parentage and surroundings of the child, and all the facts and circumstances of the case, and report the same to the court or magistrate, who shall advise and counsel with the said agent; and if upon such consultation, after full investigation and proof of the offense charged, it shall appear to the court that the public interest and the interest of such child will be best subserved thereby, he may make an order for the return of such child to his or her parents, guardian or friends; or he may authorize said agent, under the advice and approval of the judge of probate of the county, to take such child and bind him or her out to some suitable person until he or she shall have attained the age of twenty-one years, or for any less time, or impose a fine, or to suspend sentence for a definite or indefinite period; or if the child be found guilty of the offense charged, and appears to be wilfully wayward and unmanageable, the court may cause him or her to be sent to the reform school, industrial home for girls, or to any State penal or reformatory institution authorized by law to receive such boy or girl, subject to such conditions of sex and age, as are provided by law for the reception of children in said school or institution; and in such cases the report of the agent shall be attached



to the mittimus, and the child shall be placed in charge of the agent, or some person designated by him, to be conveyed under his direction to the institution, for which service the same fees shall be allowed as are paid to sheriffs in like cases.

SEC. 9896. Said agent shall visit all children resident in the county for which he is appointed which shall have been indentured to any person therein by any State institution, whenever he shall be requested to do so by the superintendent of the institution which placed such children in said county, and shall inquire into the management, condition and treatment of such children, and for that purpose may have private interviews with such children at any time; and if it shall come to the knowledge of such agent when making such visits, or at any other time, that any child thus placed in charge of any person as aforesaid, is neglected, abused, or improperly treated by the person having such child in charge, or that such person is unfit to have the care thereof, he shall report the facts to the superintendent of the State institution by which the child was so indentured, and the board of such institution, or the superintendent thereof who may be so authorized to do by said board on being satisfied that the interest of the child requires it, shall cancel the indenture by which the child was placed in the family, and shall remove it to some other family home or directly to the State institution from which it was indentured. All indentures by which any child shall be placed in a home from any State institution shall reserve the right in the board making the indenture to cancel the same whenever, in the opinion of that board, the interests of the child require it. Whenever any indenture is cancelled as herein provided, or whenever any child indentured from any State institution has been adopted, notice thereof shall be given to said agent of the county where the child was indentured by the superintendent of the State institution from which the child was indentured or adopted.

SEC. 9897. No child shall be indentured, adopted, or otherwise placed in charge of any person by any State institution during minority, or for any other period, unless the applicant for any child shall be first approved in writing by

said agent for the county where the applicant resides, or by the State agent of the State institution to which the child belongs, in such form as may be prescribed by the board of such State institution. Such approval shall be filed with the superintendent of the State institution to which the application is made before the child shall be indentured or adopted.

SEC. 9898. It shall be the duty of said agents in their respective counties to seek out suitable persons who are willing to take by indenture or adoption, and take charge of, educate and maintain children arrested for offenses, committed to any State institution or abandoned, neglected, or dependent children in charge of any State institution, or its officers, and to give notice where such children may be so placed, to the board of officers or superintendent having authority to dispose of such children by indenture or adoption. And said agents shall make regular or special reports of the doings under this act to the superintendent of any State institution when so requested by him, in reference to applications for, or visiting any child belonging to the State institution of which he has charge. Said agents shall also report as aforesaid their doings under this act to the State board of corrections and charities whenever so requested by said board.

SEC. 9899. It shall be the duty of the superintendent of the reform school; and the principal officers of any State institution for the care and reformation of juvenile offenders now or hereafter to be established, upon the discharge of any boy or girl received therein, forthwith to notify the agent of the board of corrections and charities residing in the county from which such child was sent, of such discharge; or if the boy or girl so discharged shall return to such county the agent shall, as far as possible, assist him or her in procuring suitable employment and a good home, free from immoral and evil influences. Said agent shall also keep a brief history of each child within his county discharged as aforesaid, in a manner and form to be prescribed by the board of which he is agent, and report the same from time to time to said board as it may require, to the end that the effect of the treatment and discipline of the several institutions of



the State for the care and reformation of juvenile delinquents, upon their discharge therefrom, may be better known and understood.

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MARYLAND.

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PUBLIC GENERAL LAWS OF MARYLAND, 1890 TO  
1898.

MINORS—CONVICT.

SEC. 20. Minors under the age of sixteen years, upon conviction of any offense punishable by imprisonment, may, in the discretion of the court or justice of the peace, instead of imprisonment in the place provided for in case of offenders generally, be sentenced to imprisonment in any house of refuge or other like institution within the State under police regulation: *Provided*, The term of imprisonment does not extend beyond minority, and all existing laws in relation to the sentences of convict minors are hereby repealed.

ARTICLE XXX.

DEAF, DUMB AND BLIND—EDUCATION OF.

SEC. 3. A sum not exceeding twenty-one thousand dollars shall be annually appropriated to be applied under the direction of the governor in placing for instruction in the Maryland school for the blind, formerly known as the Maryland institution for the instruction of the blind, such indigent blind persons of the age of seven years and upwards, inhabitants of this State, and of the county or city from which they are recommended, as may be recommended to the governor by the county commissioners of each county or by the judges of the orphans' court of Baltimore city.

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PUBLIC GENERAL LAWS OF MARYLAND.

VOLUME I, ARTICLE IV.

SECTION 1. It shall not be lawful for the trustees of the poor of the city of Baltimore, or the county commissioners or trustees of the poor of any of the counties of the State, to



receive into or retain in any almshouse or poorhouse, any child between three and sixteen years of age, for a longer period than ninety days, unless such child be an unteachable idiot, an epileptic or a paralytic, or be otherwise so disabled or deformed as to render it incapable of labor or service.

SEC. 2. It shall be the duty of the trustees of the poor of the city of Baltimore, and the county commissioners and trustees of the poor of the counties of this State, to place all such pauper children who are in their charge in some respectable family in the State, or in some educational institution or home for children; and it shall also be the duty of said trustees of the poor of Baltimore city, and of the counties of the State, or an agent or agents to be appointed by them for the purpose, to visit such children not less than once in every six months, and make all needful inquiries as to their treatment and welfare, and to report to the board of trustees making such disposition of said children.

SEC. 295. When any infant under the age of fifteen years shall be convicted of any offense other than those mentioned in the succeeding section, the court may suspend the sentence upon such convicted infant, and bind him or her to some person residing in or out of this State, or may procure other employment for such infant in or out of this State, and shall have power to compel such infant to comply with the terms of the judgment; but such infant shall not be bound to service in the county or city where the conviction was had, nor for a term extending beyond the age of eighteen years in females and twenty-one in males.

SEC. 296. All infants over twelve and under the age of fifteen years, who may be convicted of mayhem, murder in the second degree, manslaughter, assault with intent to commit murder or mayhem, or of setting fire to any building, tenement or property, the setting fire to which is punishable by confinement in the penitentiary in the case of adults, shall be sentenced to the penitentiary for the said crime in the same manner as if they were of full age, or, in the discretion of the court, may be confined in the house of refuge or Saint Mary's industrial school, or house of reformation and instruction for colored children.

SEC. 297. Any court in this State having criminal jurisdiction may bind out to the managers of any house of refuge or other institution under police regulations within the limits of the said State all infants over twelve and under the age of fifteen years until they shall arrive at an age of not less than eighteen nor more than twenty-one years, who shall be convicted of any offense punishable in adults by confinement in the penitentiary, other than those specified in the preceding section.

SEC. 298. It shall be the duty of every court having criminal jurisdiction to examine into the character of all infants convicted of offenses for which they may be bound as apprentices under the preceding section, and to exercise a sound discretion in determining whether the said infant so convicted should be bound out in accordance with existing laws, or should be sentenced to the penitentiary in the same manner with adults convicted of like crime, and to bind out or sentence such infants accordingly.

#### HOUSE OF THE GOOD SHEPHERD.

SEC. 321. The house of the Good Shepherd of the city of Baltimore, a body corporate, incorporated under the general laws of this State relating to incorporations, is authorized to receive all such white females under the age of eighteen years as may be committed to the corporation by their parents or guardians, and the same to retain within the refuge conducted by said corporation until they reach the age of eighteen years, or to bind them out as apprentices until they reach the said age, as the directors of the said corporation may elect.

SEC. 322. White females under the age of eighteen years may be committed to the said house of the Good Shepherd by a justice of the peace for any of the counties, or the city of Baltimore, on complaint and due proof made to him by the parents, guardians or next friend of such minor, that, by reason of incorrigible or vicious conduct, such minor has rendered her control beyond the power of such parents or guardian or next friend, and made it manifestly requisite that, from regard to the morals and future welfare of such minor,



and the peace and order of society, she should be placed under the guardianship of the house of the Good Shepherd.

SEC. 323. White females under the age of eighteen years may be committed to the said house of the Good Shepherd by the authority aforesaid, when complaint and due proof have been made that such minor is a proper subject for the guardianship of the said corporation, in consequence of vagrancy, or of incorrigible or vicious conduct, and that from the moral depravity or otherwise of the parent, guardian or next friend, in whose custody such minor may be, such parent, guardian or next friend is unable or unwilling to exercise the proper care and discipline over such incorrigible or vicious minor.

SEC. 327. The judge of the criminal court of Baltimore, or any circuit court for any county, upon information that any female, under the age of eighteen years, in their several counties, or the city of Baltimore, as the case may be, leads a disorderly and dissolute course of life, may, upon application of the parent or next friend of such female, issue a warrant or order, to be directed to the sheriff, or to any constable or police officer in such county or city, commanding him to bring the person against whom the information is so given, before said court or said justice, on any day to be named therein, not more than one week from the date of the warrant, to answer to said charge; and the said court or said justice, upon proof of said charge, may commit such female to the said house of the Good Shepherd of the city of Baltimore for not less than one week, nor more than two months for the first occasion, and not less than one month, nor more than six months, for the second or any subsequent occasion: *Provided, however,* That in every case so brought before the criminal court of Baltimore, or the circuit court for any county, the trial shall be by jury, if demanded by the party charged; and if in any case brought as aforesaid before any justice of the peace, the party charged shall demand a jury trial, the said justice shall certify said case to the criminal court of Baltimore, or the circuit court for the county, as the case may be, to be proceeded with and tried by said court in the same manner as if the case had been originally brought before said court; and such court or justice



may commit said person, in the absence of suitable bail, to the said house of the Good Shepherd instead of the common jail, pending the said charge.

#### HOUSE OF REFORMATION.

SEC. 344. The board of managers of the house of reformation shall have power, in their discretion, to take into said house all such colored boys as shall be taken up and committed as street beggars or vagrants, or for incorrigible or vicious conduct; or shall be convicted for criminal offenses, or as hereinafter provided for in the case of application of parents or guardians.

SEC. 347. The manner of receiving inmates into the house of reformation shall be in either of the following modes, namely: First. Colored minors may be committed by a justice of the peace for any of the counties, or the city of Baltimore, on complaint and due proof made to him by the parent, guardian or next friend of such minor, that by reason of incorrigible or vicious conduct such minor has rendered his or her control beyond the power of such parent, guardian or next friend, and made it manifestly requisite, that from regard to the morals and future welfare of such minor, and the peace and order of society, he or she should be placed under the guardianship of the house of reformation. Second. Colored minors may be committed by the authority aforesaid, when complaint and due proof have been made that such minor is a proper subject for the guardianship of the house of reformation in consequence of vagrancy, or of incorrigible or vicious conduct, and that from the moral depravity, or otherwise, of the parent, guardian or next friend, in whose custody such minor may be, such parent, guardian or next friend is unable or unwilling to exercise the proper care and discipline over such incorrigible or vicious minor. Third. Such children as their parents, guardians or friends may desire to place therein for temporary restraint and discipline, and whose parents, guardians or friends shall agree and contract with the managers for their support and maintenance. Fourth. Minors committed by the several courts in this State as provided in sections 344 and 349.

SEC. 349. Whenever any colored minor under the age of sixteen years shall be convicted before any court or justice of the peace, of any felony or other offense against any law or laws of this State, the judge of said court, or said justice, in his discretion, and with reference to the character of said institution as a place of reform and not of punishment, may order said minor so convicted to be removed to and confined in the said house of reformation and instruction; *Provided*, That in all cases no transfer of any such minor shall be made until due notice has been given to the superintendent of said house of reformation, and an answer received from him that there is room for the reception of such delinquent.

#### HOUSE OF REFUGE.

SEC. 365. The board of managers shall have power in their discretion to take into said house all such white male children as shall be taken up and committed as street beggars or vagrants, or shall be convicted of criminal offenses, or as hereinafter provided for in the case of application of parents or guardians.

SEC. 368. The manner of receiving inmates into the house of refuge shall be in either of the following modes, namely: First. White male minors may be committed by a justice of the peace for any of the counties or city of Baltimore, on complaint and due proof made to him by the parent, guardian or next friend of such minor, that by reason of incorrigible or vicious conduct, such minor has rendered his control beyond the power of such parent, guardian or next friend and made it manifestly requisite that from regard for the morals and future welfare of such minor and the peace and order of society, he should be placed under the guardianship of the house of refuge. Second. White male minors may be committed by the authority aforesaid, when complaint and due proof have been made that such minor is a proper subject for the guardianship of the house of refuge, in consequence of vagrancy, or of incorrigible or vicious conduct, and that from the moral depravity, or otherwise, of the parent, guardian or next friend, in whose custody such minor may

be, such parent, guardian or next friend is unable or unwilling to exercise the proper care and discipline over such incorrigible or vicious minor. Third. Such white male children as their parents, guardians or friends may desire to place therein for temporary restraint and discipline, and where parents, guardians, or friends shall agree and contract with the managers for their support and maintenance. Fourth. White male minors committed by the several courts in this State as provided in sections 365 and 370.

SEC. 370. Whenever any white male minor, under the age of sixteen years, shall be convicted of felony in any court of this State, the judge of said court in his discretion, and with reference to the character of the house of refuge as a place of reform and not of punishment, may order said minor so convicted to be removed to and confined in the said house of refuge: *Provided*, That in all cases no such transfer of any such minor from the counties shall be made until due notice has been given to the superintendent of said house of refuge, and an answer received from him that there is room in the house of refuge for the reception of such delinquent.

SEC. 373. The directors of said institution shall have, as to female juvenile delinquents, all the powers and fulfill all the duties had and fulfilled by the directors of the house of refuge; and the provisions of sections 366, 367 and 368 shall be applicable to this institution throughout the State.

SEC. 379. The board of managers shall take into said institution all such colored female minors under the age of eighteen years as shall be taken up and committed as street beggars or vagrants, or who shall be convicted of criminal offenses, or who shall be committed under the provisions of Article IV, code of public local laws, title "City of Baltimore," sub-title "Vagrants;" but whenever any colored female under the age of eighteen years shall be convicted in any of the courts of this State of any offense, or of vagrancy, the judge of said court in his discretion, and with reference to the character of the industrial home for colored girls as a place of reform, and not of punishment, may order the minor so convicted to be removed to and confined in the said industrial home for colored girls.



SEC. 381. The manner of receiving inmates into the industrial home for colored girls shall be in either of the following modes, namely: First. Colored girls under the age of eighteen may be committed by a justice of the peace for the city of Baltimore or any of the counties of this State on complaint and due proof made to him by the parent, guardian or next friend of such girl, that by reason of incorrigible or vicious conduct such minor has rendered her control beyond the power of such parent, guardian or next friend, and made it manifestly requisite that from regard for the morals and future welfare of such minor, and the peace and order of society, she should be placed under the guardianship of the industrial home for colored girls. Second. Colored girls under the age of eighteen years may be committed by the authority aforesaid, when complaint and due proof shall have been made that such minor is a proper subject for the guardianship of the industrial home for colored girls in consequence of vagrancy, or of incorrigible or vicious conduct, and that from the moral depravity or otherwise of the parent, guardian or next friend, in whose custody such minor may be, such parent, guardian or next friend is unable or unwilling to exercise the proper care and discipline over such incorrigible or vicious minor. Third. Such colored girls under the age of eighteen years as their parents, guardians or friends may desire to place therein for temporary restraint and discipline, and whose parents, guardians or friends shall agree and contract with the managers for their support and maintenance. Fourth. Such colored girls under the age of eighteen as may be committed by the several courts of this State: *Provided, however,* That the said board of managers shall have the right and power to refuse admission to any such female, if, in their judgment, they may be unable to take proper care of them by reason of disease or other cause, or having received them, to discharge or return them to their parents, or send them to the almshouses of the several counties, or other institutions, wherein they had their last residences, respectively, if, in the opinion of the board of managers, the interests of the inmates of the institution demand and require it.

## ST. MARY'S INDUSTRIAL SCHOOL FOR BOYS.

SEC. 384. St. Mary's Industrial School for Boys, of the city of Baltimore, is empowered to receive in charge such orphan and other destitute boys as may be committed to the charge of said body corporate, and to bind out such boys until they shall attain the age of twenty-one years; and any court or justice of the peace of this State shall have power and authority, in the discretion of the judge of such court or such justice, to commit to the charge of said institution, any destitute white boy, or any white boy convicted before such court or justice of any offense against any law or laws of this State: *Provided*, That the parent or guardian of said boy or boys shall request that they be committed to the St. Mary's Industrial School; in all such cases the board of managers shall have power, in their discretion, to take into said institution all such white boys, under sixteen years of age, as shall be taken up and committed as street beggars or vagrants, or shall be convicted of criminal offenses.

SEC. 387. In addition to the classes of minors who may be committed to said St. Mary's Industrial School for Boys of the city of Baltimore, any justice of the peace of this State may commit to the care of said corporation every such white male minor as on complaint of any parent, guardian or next friend, in whose custody such minor may be, and on proof taken before such justice, shall be adjudged by such justice to be a proper subject for commitment to said institution by reason of the incorrigible or vicious conduct of such minor, and because of such incorrigible or vicious conduct to be beyond the control of such parent, guardian or next friend; and any justice of the peace may commit to the care and custody of said corporation any white male minor whom said justice, on complaint and due proof, shall deem a proper subject to be committed to said institution because of incorrigible or vicious conduct: *Provided*, The said justice shall be satisfied, on proof taken before him, that the parent, guardian or next friend, in whose charge or custody such minor may be, is, because of moral depravity or otherwise, unable or unwilling to exercise proper care or discipline over such



minor; and the said corporation is hereby authorized and empowered to receive, take charge of and retain, and to bind out as apprentices during minority, to learn such useful trades or callings as such minors, with the approval of said corporation may select, all such white male minors of either of the descriptions aforesaid as are now or shall hereafter be in the charge of said corporation by virtue of any such commitments by any justice of the peace heretofore or hereafter made.

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## NEW MEXICO.

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### COMPILED LAWS OF NEW MEXICO, 1897.

SEC. 1472. It shall be the duty of the justices of the peace of each precinct of the different counties, at the regular terms of the probate courts to make returns to the probate judges of all the orphan children, poor and other children in his precinct, the parents of which cannot maintain them; and it shall be the duty of the judge of probate, when said lists are presented, to investigate for proof; and if he shall find it to be true that said children are poor orphans, or that their parents are not maintaining them, to bind out such children as apprentices to such person as the probate court may approve, until they reach the age of twenty-one years, if males, or until they reach the age of eighteen years, if females.

SEC. 1473. Any person to whom a child shall be bound as apprentice shall be required by the judge of probate to give a bond in the sum of not more than five hundred dollars, payable to the county, conditioned to provide the apprentice with sufficient clothing and food and bed, and also to treat him with humanity, and to teach him some occupation or office by which the said apprentice can maintain himself; and also to teach him to read and write, and arithmetic; and, at the expiration of said apprenticeship, he shall give him two good and durable suits of clothing.

SEC. 1474. The judge of probate shall have the power, on the complaint of an apprentice, or any of his friends, to revoke the articles of apprenticeship, and bind out the apprentice anew, if it shall appear to him to be necessary, after



he shall have heard the evidence that it is to the interest of the apprentice; but the person so holding the apprentice shall be summoned to defend himself against any such complaints, as in other cases.

SEC. 1475. When any person shall be convicted and sentenced to confinement in the county jail or Territorial prison for a term of five years or more, or if the person so sentenced shall have any children, it shall be the duty of the probate judge, in the county where said person shall have resided, to ascertain if they are poor, and if they are, to bind them out as provided for in this act.

### CHAPTER III.

#### MASTERS AND APPRENTICES.

SEC. 1478. In addition to the jurisdiction over minors and their estates, the judges of probate, in their respective counties of this Territory, shall also have jurisdiction over masters and apprentices.

SEC. 1479. It shall be the duty of the said courts to examine into the condition of all orphans and such minors as have not sufficient estate for their maintenance and education; and in case the minors or orphans have not the means of maintenance and education, nor friends or relatives willing to incur the expense of the maintenance and education, the judge of probate shall direct guardians to bind their wards as apprentices, until the age of twenty-one, if males, and, if females, until the age of eighteen, to some good and reputable man or woman, to be chosen by the ward if over ten years of age, subject, however, to the approval of the guardian and the probate court; which person shall bind him or herself to teach the apprentice some useful and reputable art, science, profession, trade or business, to be specified in the indenture; and, also, to send the apprentice to school at least three months in each year, after the age of nine years, and to clothe, feed, lodge, and treat the apprentice humanely.

SEC. 1484. In all cases of children being apprenticed by the parents, the indenture shall bind the master to send the

apprentice to school at least three months in each year, after the age of nine years, which indenture must likewise be approved by the probate court, and recorded in the office of the clerk of the probate court.

SEC. 1485. The probate court shall at all times hear the complaints of apprentices who reside within their respective counties, whether made in person or by any other person for them, against their masters, alleging undeserved or immoderate correction, insufficient allowance or quality of food, raiment or lodging, or want of proper instruction. And the court shall hear and determine all such cases in a summary way, during terms, and make such order therein as in the judgment of the court will relieve the complaining apprentice for the future; or remove the apprentice, and bind him to someone else, if it shall be deemed necessary.

#### ORPHANS' HOME AND INDUSTRIAL SCHOOL.

SEC. 1617. From and after the passage of this act the Asylum of the Sisters of Charity of Santa Fe shall be constituted an orphans' home and industrial school for the care, support and education of the orphan and indigent children of the Territory of New Mexico and to be known and legally designated as the Orphans' Home and Industrial School of the Territory of New Mexico.

SEC. 1619. The said orphans' home and industrial school shall be under the care, charge, control and custody of the Sisters of Charity of Santa Fe, subject to the general supervision of the board of supervisors hereby created, and to all orders issued by said board.

SEC. 1620. The said Sisters of Charity, under whose care, custody and control said orphan and indigent children of the Territory are hereby placed, are to board, clothe and instruct said children in the common school branches, and shall receive as compensation therefor the sum of ten dollars per month for each of said children so boarded, clothed, instructed and cared for.

SEC. 1622. It shall be the duty of the probate judges in the several counties to place all orphan and indigent children with some good and responsible person who will agree to



may commit said person, in the absence of suitable bail, to the said house of the Good Shepherd instead of the common jail, pending the said charge.

#### HOUSE OF REFORMATION.

SEC. 344. The board of managers of the house of reformation shall have power, in their discretion, to take into said house all such colored boys as shall be taken up and committed as street beggars or vagrants, or for incorrigible or vicious conduct; or shall be convicted for criminal offenses, or as hereinafter provided for in the case of application of parents or guardians.

SEC. 347. The manner of receiving inmates into the house of reformation shall be in either of the following modes, namely: First. Colored minors may be committed by a justice of the peace for any of the counties, or the city of Baltimore, on complaint and due proof made to him by the parent, guardian or next friend of such minor, that by reason of incorrigible or vicious conduct such minor has rendered his or her control beyond the power of such parent, guardian or next friend, and made it manifestly requisite, that from regard to the morals and future welfare of such minor, and the peace and order of society, he or she should be placed under the guardianship of the house of reformation. Second. Colored minors may be committed by the authority aforesaid, when complaint and due proof have been made that such minor is a proper subject for the guardianship of the house of reformation in consequence of vagrancy, or of incorrigible or vicious conduct, and that from the moral depravity, or otherwise, of the parent, guardian or next friend, in whose custody such minor may be, such parent, guardian or next friend is unable or unwilling to exercise the proper care and discipline over such incorrigible or vicious minor. Third. Such children as their parents, guardians or friends may desire to place therein for temporary restraint and discipline, and whose parents, guardians or friends shall agree and contract with the managers for their support and maintenance. Fourth. Minors committed by the several courts in this State as provided in sections 344 and 349.



SEC. 349. Whenever any colored minor under the age of sixteen years shall be convicted before any court or justice of the peace, of any felony or other offense against any law or laws of this State, the judge of said court, or said justice, in his discretion, and with reference to the character of said institution as a place of reform and not of punishment, may order said minor so convicted to be removed to and confined in the said house of reformation and instruction; *Provided*, That in all cases no transfer of any such minor shall be made until due notice has been given to the superintendent of said house of reformation, and an answer received from him that there is room for the reception of such delinquent.

#### HOUSE OF REFUGE.

SEC. 365. The board of managers shall have power in their discretion to take into said house all such white male children as shall be taken up and committed as street beggars or vagrants, or shall be convicted of criminal offenses, or as hereinafter provided for in the case of application of parents or guardians.

SEC. 368. The manner of receiving inmates into the house of refuge shall be in either of the following modes, namely: First. White male minors may be committed by a justice of the peace for any of the counties or city of Baltimore, on complaint and due proof made to him by the parent, guardian or next friend of such minor, that by reason of incorrigible or vicious conduct, such minor has rendered his control beyond the power of such parent, guardian or next friend and made it manifestly requisite that from regard for the morals and future welfare of such minor and the peace and order of society, he should be placed under the guardianship of the house of refuge. Second. White male minors may be committed by the authority aforesaid, when complaint and due proof have been made that such minor is a proper subject for the guardianship of the house of refuge, in consequence of vagrancy, or of incorrigible or vicious conduct, and that from the moral depravity, or otherwise, of the parent, guardian or next friend, in whose custody such minor may

be, such parent, guardian or next friend is unable or unwilling to exercise the proper care and discipline over such incorrigible or vicious minor. Third. Such white male children as their parents, guardians or friends may desire to place therein for temporary restraint and discipline, and where parents, guardians, or friends shall agree and contract with the managers for their support and maintenance. Fourth. White male minors committed by the several courts in this State as provided in sections 365 and 370.

SEC. 370. Whenever any white male minor, under the age of sixteen years, shall be convicted of felony in any court of this State, the judge of said court in his discretion, and with reference to the character of the house of refuge as a place of reform and not of punishment, may order said minor so convicted to be removed to and confined in the said house of refuge: *Provided*, That in all cases no such transfer of any such minor from the counties shall be made until due notice has been given to the superintendent of said house of refuge, and an answer received from him that there is room in the house of refuge for the reception of such delinquent.

SEC. 373. The directors of said institution shall have, as to female juvenile delinquents, all the powers and fulfill all the duties had and fulfilled by the directors of the house of refuge; and the provisions of sections 366, 367 and 368 shall be applicable to this institution throughout the State.

SEC. 379. The board of managers shall take into said institution all such colored female minors under the age of eighteen years as shall be taken up and committed as street beggars or vagrants, or who shall be convicted of criminal offenses, or who shall be committed under the provisions of Article IV, code of public local laws, title "City of Baltimore," sub-title "Vagrants;" but whenever any colored female under the age of eighteen years shall be convicted in any of the courts of this State of any offense, or of vagrancy, the judge of said court in his discretion, and with reference to the character of the industrial home for colored girls as a place of reform, and not of punishment, may order the minor so convicted to be removed to and confined in the said industrial home for colored girls.



SEC. 381. The manner of receiving inmates into the industrial home for colored girls shall be in either of the following modes, namely: First. Colored girls under the age of eighteen may be committed by a justice of the peace for the city of Baltimore or any of the counties of this State on complaint and due proof made to him by the parent, guardian or next friend of such girl, that by reason of incorrigible or vicious conduct such minor has rendered her control beyond the power of such parent, guardian or next friend, and made it manifestly requisite that from regard for the morals and future welfare of such minor, and the peace and order of society, she should be placed under the guardianship of the industrial home for colored girls. Second. Colored girls under the age of eighteen years may be committed by the authority aforesaid, when complaint and due proof shall have been made that such minor is a proper subject for the guardianship of the industrial home for colored girls in consequence of vagrancy, or of incorrigible or vicious conduct, and that from the moral depravity or otherwise of the parent, guardian or next friend, in whose custody such minor may be, such parent, guardian or next friend is unable or unwilling to exercise the proper care and discipline over such incorrigible or vicious minor. Third. Such colored girls under the age of eighteen years as their parents, guardians or friends may desire to place therein for temporary restraint and discipline, and whose parents, guardians or friends shall agree and contract with the managers for their support and maintenance. Fourth. Such colored girls under the age of eighteen as may be committed by the several courts of this State: *Provided, however,* That the said board of managers shall have the right and power to refuse admission to any such female, if, in their judgment, they may be unable to take proper care of them by reason of disease or other cause, or having received them, to discharge or return them to their parents, or send them to the almshouses of the several counties, or other institutions, wherein they had their last residences, respectively, if, in the opinion of the board of managers, the interests of the inmates of the institution demand and require it.



lated to him, if known, or if there is no such person known, then to some person to be designated in the order to act as guardian for the accused for the time being, requiring such parent or other person to appear at a time and place stated in such order and show cause why the accused should not be committed to the reform school. Such order shall be served forthwith by the sheriff or other officer by delivering to and leaving with the person therein designated to be served, personally, a true copy of the same, or by leaving such copy with some person of full age at the residence or place of business of such person, and the original order immediately returned to the judge issuing it with the officer's doings indorsed thereon, showing the time and manner of service. At the time and place mentioned in such order, or at such other time and place as the judge may direct, if the person designated in the order appears in his presence, or if such person does not appear, in the presence of some other suitable person to be then appointed by the judge to act on behalf of the accused, the judge must proceed to hear such evidence regarding the question as may be produced or deemed necessary, including any voluntary statement of the accused, and if from such evidence and hearing such judge becomes satisfied that the accused ought to be committed to the reform school he may so order and issue his warrant accordingly.

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## NEW HAMPSHIRE.

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### LAWS OF NEW HAMPSHIRE. 1897.

#### CHAPTER XCI.

SECTION I. No minor between the ages of three and fifteen years shall be supported at any county almshouse in this State for more than sixty days unless the consent of the board of charities shall have been obtained, excepting such as are under serious physical disability or are mentally incapacitated for education or are under sentence for crime; and it shall be the duty of the commissioners of the various counties to find suitable homes for such minor children within said period

of sixty days. On and after the expiration of said sixty days, if suitable homes have not been provided said minors, other than said county almshouse, the State board of charities shall have full control over said minor children, and shall be charged with the duty of procuring permanent homes for said minors, as a board or through such agent as said board may appoint, whenever it shall appear to them that the welfare of the minor will be promoted thereby, at the expense of the county to which such minor is chargeable, the compensation to be the same as is allowed the county commissioners.

SEC. 3. It shall be the duty of overseers of the poor and county commissioners, as soon as practicable, to find permanent homes for all such orphan minors, and make contracts for their education and support during minority, and all such contracts shall be subject to rescission by the State board of charities, whenever the interests of such minors shall make it necessary, and said board of charities shall have the same authority, in respect to the control of all children for whom they provide permanent homes, as is now vested in overseers of the poor and county commissioners.

SEC. 8. It shall be the duty of the board to inspect all State and county charitable or correctional institutions, except the State prison and the asylum for insane at Concord, and report to the governor and council and legislature biennially the result of their inspection, with a recommendation for such changes in existing laws as in their judgment the public good requires; and shall, on making such inspection, report and recommend to the county commissioners, or such other county or State officers as have the control and management of such institutions, the changes, if any, that said boards find on such inspection should be made in said institutions.

SEC. 10. They may give any minor under their care to any suitable person to be adopted by such person whenever such adoption is for the best interests of said minor, providing it shall appear upon a hearing upon the petition of such person to the probate court for leave to adopt such child, that its parents have abandoned the same, or that they are



unknown, and in such case notice of the proceedings may be given by publication, and no consent of the parents or others shall be required in order to legally adopt said child.

## LAWS OF NEW HAMPSHIRE, 1895.

### CHAPTER CXVI.

AN ACT, To provide for the education and maintenance of dependent minor children.

SECTION 1. No minor between the ages of three and fifteen years shall be supported at any county almshouse in this State for more than thirty days, excepting such as are mentally incapacitated for education, or are under sentence for crime.

SEC. 2. It shall be the duty of the overseers of the poor of towns and cities liable for the support of such minors, and of county commissioners of counties liable for such support, to procure the support of such minors at some orphan asylum or home, or with some private family or families of good repute.

SEC. 3. It shall be the duty of such overseers of the poor and county commissioners, as soon as practicable, to find permanent homes for such minors, and make contracts for their education and support during minority, which contracts shall be subject to the approval of the State board of charities, and to rescission by them whenever the interests of such minors shall make it necessary.

SEC. 4. The governor and council shall appoint five persons to serve as a State board of charities and correction, whose duty it shall be to see that the provisions of this act are faithfully carried out, and that said minor children receive suitable education, training and support. They shall first be appointed for one, two, three, four and five years, and afterwards for five years as vacancies arise, and shall receive no compensation except expenses incurred.

SEC. 5. Any overseer of the poor or county commissioner who shall unreasonably neglect to comply with the requirements of this act shall be removed from office by the supreme court, or a justice thereof, upon the petition of the



State board of charities, upon proof thereof being made, and after hearing upon said petition.

SEC. 6. Overseers of the poor and county commissioners shall report to the State board of charities all minors cared for by them under this act, with copies of the contracts made, and such other information as may be required by such board; and such board of charities shall report annually to the governor and council to such an extent as may be required.

SEC. 7. The reasonable expenses of said State board of charities shall be paid by the governor and council out of any funds in the treasury not otherwise appropriated. (Amended in laws of 1897, sections 8 and 10.)

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LAWS OF NEW HAMPSHIRE, 1893.

CHAPTER LXI.

AN ACT, Relating to the children of paupers.

SECTION 1. The overseers of the poor in any town, or the county commissioners for any county, may send to the New Hampshire Orphans' Home, or to any orphans' home in this State, or other institutions devoted to or suitable for the care, protection and education of children, upon such terms as may be agreed upon, all children residing in their respective towns or counties who are not employed in some lawful business, and whose parents are unable or neglect to maintain them; but, in the selection of such home or institution, said overseers and commissioners shall give the preference to that home or institution that is conducted by or under the auspices of the church or religious denomination of which the child or the child's parents are members; and said home or institution shall thereupon have the same authority in respect to such children as is now vested in overseers of the poor and county commissioners.

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PUBLIC STATUTES OF NEW HAMPSHIRE. 1891.

CHAPTER LXXXVI.

SECTION 1. Sums of money are annually appropriated for the support and education of indigent deaf and dumb and

blind persons, and indigent feeble-minded children of this State, as follows: Five thousand dollars for indigent deaf and dumb persons, four thousand dollars for indigent blind persons, and one thousand dollars for indigent feeble-minded children.

SEC. 2. Assistance shall be furnished to such persons, in such amounts, and at such asylums, schools, or other institutions designed for the purpose, as the governor and council shall direct.

SEC. 3. The furnishing of such assistance shall not affect the settlement of any person nor his right to vote.

## CHAPTER CLXXVIII.

### GUARDIANS OF MINORS.

SEC. 15. Whenever it shall appear to the judge of probate for any such county that a minor under the age of fourteen years, residing in such county, has been abandoned or treated with gross and habitual cruelty, or has been neglected in such a manner as to amount to cruelty by his parents or by others having his custody, or that he is unlawfully deprived of liberty, the judge may appoint the New Hampshire Society for the Prevention of Cruelty to Children as guardian of the minor for such period as he may think proper; and he may revoke such appointment at any time for good cause shown.

SEC. 16. Upon complaint of the society that a child under the age of fourteen years has been abandoned, or treated in a gross and habitual cruel manner, or has been neglected in such a manner as to amount to cruelty, a police court may give the custody of such child to the society for a period not exceeding sixty days, and the society may thereupon apply to the probate court for the guardianship of the child. The judgment of a police court in giving custody of a child to the society shall be prima-facie evidence in the probate court of the abandonment or cruel treatment of the child.

SEC. 17. Nothing contained in the two preceding sections shall be construed to oblige said society to receive the custody of a child.

CHAPTER CCLXXXIV.

INDUSTRIAL SCHOOL.

SECTION 1. The house of reformation for juvenile offenders against the laws, established at Manchester, shall be called the Industrial School.

WHO MAY BE COMMITTED TO THE SCHOOL.

SEC. 14. Whenever a minor under the age of seventeen years shall be convicted of an offense punishable by imprisonment, otherwise than for life, and shall be sentenced accordingly, the court or justice, upon application of the minor, his friends, or the State's attorney, may order that, instead of such imprisonment, the minor may be sent to and be kept employed and instructed at the industrial school for such term not less than one year nor extending beyond the age of twenty-one years, as the court or justice shall judge most for his true interest and benefit, provided he shall conduct himself according to the regulations of the school. A copy of such order shall be sufficient authority for his commitment and detention at the school.

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NORTH CAROLINA.

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CHAPTER CCCCXCVI.

AN ACT, To amend section 2120 of the code, relating to the better maintenance of orphan children.

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PUBLIC LAWS OF NORTH CAROLINA, 1899.

CHAPTER LXXXII.

AN ACT, For relief of certain children in the State.

SECTION 1. *The General Assembly of North Carolina do enact*, That whenever any moneys less in amount than twenty (20) dollars shall be paid into court for indigent or needy children for whom no one will become guardian, upon satis-



factory proof of their necessities the clerk may pay the same upon his own motion or order to the mother or other person who has charge of said minor or to some discreet neighbor of said minor to be used for the benefit or maintenance of said minor. Such person shall be solvent and shall faithfully apply any money so paid to him or her.

SEC. 2. The clerk shall take a receipt from the person to whom the same is paid and record it in a book entitled "Record of amounts paid for indigent children," and the same shall be a valid acquittance for said clerk.

SEC. 3. That this act shall not apply to amounts greater than twenty dollars.

## LAWS OF NORTH CAROLINA, 1891.

### CHAPTER CCCXCIX.

SECTION 1. *The General Assembly of North Carolina do enact*, That there be established a school for the white deaf and dumb children of the State under the corporate name of "The North Carolina School for the Deaf and Dumb," to be located upon the grounds donated for that purpose near the town of Morganton.

SEC. 2. That said school shall be under the control and management of a board of directors consisting of seven members, who shall be elected by the general assembly and hold their office for the term of six years; said board shall be divided into three classes, and of those first three shall hold for six years, two for four years and two for two years, and thereafter elections shall be had to fill the classes as they become vacant. If any vacancy shall occur by death, removal or other cause the same shall be filled for the unexpired term by appointment of the governor; said directors shall hold their office until their successors shall be elected and qualified, but not more than two of them shall be from the same county.

SEC. 6. The board of trustees shall, according to such reasonable regulations as they may prescribe, on application, receive into the school for the purposes of education all white deaf mutes residents of the State not of confirmed immoral

character, nor imbecile or unsound in mind or incapacitated by physical infirmity for useful instruction, who are between the ages of eight and twenty-three years.

SEC. 7. They shall provide for the instruction of all pupils in the branches of study now prescribed by law for the public schools of the State and in such other branches as may be of special benefit to the deaf and dumb. As soon as practicable, the boys shall be instructed and trained in such mechanical pursuits as may be suited to them, and in practical agriculture and subjects relating thereto; and the girls shall be instructed in sewing, housekeeping and such art and industrial branches as may be useful to them in making themselves self-supporting.

SEC. 8. That the board of directors shall conduct the school in such way, as far as practicable, as to make it self-sustaining.

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#### CHAPTER DXXX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the treasurer be and is hereby directed to pay the board of directors of the colored orphan asylum, to be located at the place that will give most for location of a colored orphanage, out of any money in the treasury not otherwise appropriated, the sum of one thousand dollars annually, payable quarterly.

SEC. 2. That the board of directors of the colored orphan asylum aforesaid are hereby required to make a detailed account of the operations of each year, stating fully all receipts and expenditures, to the governor of the State, which report shall be transmitted by the governor to the general assembly at each session.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the ninth day of March, A. D. 1891.

#### CHAPTER CCXVI.

AN ACT, To incorporate the North Carolina Society for the Prevention of Cruelty to Children and Animals.



NEBRASKA.

COMPILED STATUTES OF NEBRASKA, 1897.

CHAPTER XXII.

DEAF AND DUMB AND BLIND INSTITUTES—PURPOSES OF INSTITUTES.

SEC. 2505. That the purpose of the Institute for the Deaf and Dumb, now established and located at Omaha, in Douglas county, and of the Institute for the Blind, now established and located at Nebraska City, in Otoe county, shall be the physical, moral and intellectual culture and training of the respective classes for whose benefit each institution was created, to the end that the pupils in each institution may be returned to society capable of becoming self-sustaining and useful citizens.

BLIND INMATES—QUALIFICATIONS.

SEC. 2513*d*. SEC. 14. All blind persons and those blind to such an extent that they cannot acquire an education in the common schools of the State, and who are of suitable age and capacity and of good moral character shall be entitled to an education in the institution for the blind without charge.

DEAF INMATES—QUALIFICATIONS.

SEC. 2513*e*. SEC. 15. All the deaf and dumb residents of this State, and those deaf to such an extent that they cannot acquire an education in the common schools of the State, of suitable age and capacity and of good moral character, shall be entitled to an education in the institute for the deaf and dumb without charge.

SAME—INDIGENT PUPILS.

SEC. 2513*g*. SEC. 17. Whenever any pupil in either of the said institutions named in this act is not otherwise supplied with necessary clothing, or with the means to pay his transportation home at the close of the school term, he shall be supplied by the superintendent of such institution with the necessary clothing and means of transportation.



## CHAPTER XXVIIA.

## FEEBLE-MINDED CHILDREN—ESTABLISHMENT.

SEC. 3074. SECTION 1. That there shall be established in the State of Nebraska an institution to be known and designated as the Nebraska institution for feeble-minded youth.

## OBJECT.

SEC. 3074. SEC. 2. Besides shelter and protection, the prime object of said institution shall be to provide special means of improvement for that unfortunate portion of the community who were born or by disease have become imbecile or feeble-minded, and by a wise and well-adapted course of instruction reclaim them from their helpless condition, and, through the development of their intellectual faculties, fit them as far as possible, for usefulness in society. To this end there shall be furnished them such agricultural and mechanical education as they may be capable of receiving.

## ADMISSIONS.

SEC. 3080. All imbecile and feeble-minded children and youth, between the ages of five (5) and eighteen (18) years, who have been residents of the State for the one year that preceded an application for admission, and who are capable of receiving instruction in common schools, shall be entitled to be received into the institution, maintained and educated at the expense of the State, if in the judgment of the superintendent the applicant is a suitable person to receive its benefits. Persons of greater age, and those not residents of the State, may be admitted if the capacity of the institution will permit, but for all non-residents, and those not residents for the required time, a fair rate of compensation shall be paid, to be fixed by the board. No persons, however, shall be received into the institution, or retained, to the exclusion or detriment of those for whom it is especially founded. The board of public lands and buildings is hereby directed and empowered to make such rules and requirements governing the admission and discharge of inmates as they may deem just and expedient.

### EDUCATION OF PAUPER CHILDREN.

SEC. 3950. That where children of school age and of sound mind shall be confined in any poor-house of this State, it shall be the duty of the county board, where the same can be done, to make arrangements with the officers of the school district wherein said poor-house is located or with some school district adjacent, to have the children so chargeable to the county attend school at such time and place and to have and receive such text books and instruction as shall be provided for other children attending in said school district or districts.

### SAME.

SEC. 3951. It shall be the duty of the county board upon the report of the officers of the school district, wherein arrangements have been made for the education of the children confined in the poor-house, to draw a warrant on the general fund of the county, payable to the treasurer of the said school district: *Provided, however,* The county shall not be liable for more than its proportionate share of the expenses for text books, fuel, and teachers' wages.

## CHAPTER LXXV.

### REFORM SCHOOL—TITLE—LOCATION.

SEC. 4171. That "The State Industrial School for Juvenile Offenders," located near Kearney, in the county of Buffalo, is hereby recognized and continued as a school for the retention, education, discipline, industrial training, and reformation of juvenile offenders.

### INSTRUCTION.

SEC. 4173. The boys and girls committed to the school shall be instructed in the principles of morality and in such useful branches of knowledge as are taught in the public schools of the State. They shall also be instructed in the principles of the mechanical arts and such practical trades as



are best suited to their age, strength and capacity, and best adapted to secure them a livelihood after leaving the school.

#### COMMITMENT—DISTRICT COURT.

SEC. 4175. When a boy or girl of sane mind under the age of eighteen years shall, in any court of record in this State, be found guilty of any crime, except murder or manslaughter, committed under the age of eighteen years, or who for want of proper paternal care is growing up in mendicancy and vagrancy, or is incorrigible and complaint is thereof made and properly sustained, the court may, if in its opinion the accused is a proper subject therefor, instead of entering judgment or committing said boy or girl to the penitentiary, he shall cause an order to be entered that said boy or girl be sent to the State industrial school, in pursuance of the provisions of this act, and a copy of said order, under the seal of said court, shall be sufficient warrant for carrying said boy or girl to the said school, and for his or her commitment through the custody of the superintendent thereof.

#### SAME—INFERIOR COURT—ORDER TO GUARDIAN.

SEC. 4176. When a boy or girl of sane mind, under the age of sixteen years, shall be convicted before a justice of the peace or other inferior court, of any crime, mendicancy, vagrancy, or incorrigibility, it shall be the duty of said magistrate, before whom he or she may be convicted, to forthwith send such boy or girl, together with all the papers filed in his office on the subject, under the control of some officer to a judge of a court of record, who shall then issue an order to the parent or guardian of said boy or girl, or such person as may have him or her in charge, or with whom he or she has last resided, or any one known to be nearly related to him or her, or if he or she be alone and friendless, then to such person as said judge may appoint to act as guardian for the purposes of the case, requiring him or her to appear at a time and place stated in said order, to show cause why said boy or girl should not be committed to the State industrial school for training and reformation.



ESTABLISHMENT—GIRLS' INDUSTRIAL SCHOOL.

SEC. 4185. There shall be established in the State of Nebraska an institution to be known and designated as the "Girls' Industrial School for Juvenile Delinquents."

INSTRUCTION.

SEC. 4187. The girls committed to the school shall be instructed in the principles of morality, self-government, domestic duties and such other branches of knowledge as are taught in the public schools of the State. The board may further provide for instruction in such light, practical industries as may be best suited for their age, sex and capacity.

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NEVADA.

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GENERAL STATUTES OF NEVADA. 1885.

AN ACT, Concerning apprentices.

SEC. 612. The boards of county commissioners in the several counties in this State are hereby empowered to bind out any orphan (not otherwise provided for by law) or any destitute child, or the child of any person who shall not provide for the support and tuition of such child.

SEC. 1469. It is hereby determined and declared that all orphans duly admitted to the State orphan home thereby become the wards of the State of Nevada and are entitled, under the provisions of this act, to the care, protection and guardianship of the State of Nevada; and it is further determined and declared that the State of Nevada, for the care, protection and guardianship of all such wards, is entitled to their services as herein provided, and has the right to train and educate them for useful places in society, and that such rights of the State are superior to the claims of any and all relatives or persons, resident or non-resident.

SEC. 1471. All orphans admitted to the State orphans' home shall, under the direction of its board of directors, be taught the usual branches of an English education, and the male orphans shall be taught useful trades and occupations, and engaged in useful employment, as the board of directors

shall order. The female orphans shall be taught the useful occupation of housewifery, and such other useful occupations as the board of directors may provide. All labor and occupation shall be fitted to the capacity and best ability of the orphan, as the board of directors may determine.

SEC. 1472. Upon complying with the requirements of this act, all orphans under fourteen years of age may be admitted to the State orphans' home; and for the purposes of this act, the age of majority for all orphans that are or may be wards of the State shall be eighteen years.

SEC. 1498. The superintendent of public instruction is authorized and required to make arrangements with the directors of the institution for the deaf and dumb and the blind, at San Francisco, in the State of California, for the admission, support, education and care of the deaf and dumb and the blind of this State, and for that purpose is hereby empowered to make all needful contracts and agreements with said directors to carry out the provisions of this act.

SEC. 1500. All deaf and dumb or blind persons between the ages of eight and twenty-one years, that are not mentally or physically incapacitated to receive an education, that are free from offensive or contagious diseases, and whose parents or guardians reside in the State of Nevada, and are not able to pay for their support and education in the aforesaid institution, shall be entitled to the benefits intended by this act; and it is hereby made the duty of the board of county commissioners of such county to make provisions, at the expense of the county carrying such pupil, to the office of the superintendent of public instruction, who shall make necessary arrangements for carrying the pupil to the institution of instruction before mentioned, at the expense of the State, payable out of the fund provided by this act.

SEC. 1985. When any minor shall become, or be likely to become, chargeable to the county, either because of being an orphan, or because the parents or other relations, as aforesaid, are unable, or refuse, to support such minor, it shall be the duty of the county commissioners to bind such minor as an apprentice to some respectable householder of the county, by written indenture, which shall bind such minor to serve



as an apprentice, and shall in all respects, be to the tenor and effect as required in the act concerning apprentices, and in the absence of such law, in such manner as they shall deem for the best interests of said minor.

SEC. 4568. An infant under the age of fourteen years shall be deemed incapable of knowing the distinction between good and evil unless the contrary be clearly shown.

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## NEW JERSEY.

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### GENERAL STATUTES OF NEW JERSEY.

#### VOLUME I.

AN ACT, For the instruction and maintenance of indigent deaf and dumb, blind and feeble-minded persons, inhabitants of this State.

SECTION 1. That an annual sum, not exceeding three hundred dollars for each pupil, be appropriated out of any moneys in the treasury not otherwise appropriated, to be applied under the direction of the governor or person administering the government, for the instruction or placing for instruction in some suitable and convenient institution, such indigent deaf and dumb, blind or feeble-minded persons, or partially deaf and dumb, or partially blind, inhabitants of this State, as may be selected under this act.

SEC. 2. That whenever the governor, or person administering the government, shall be satisfied that the resources of any pupil applying for the benefit of this act, or those of his or her parents or guardians are insufficient to defray the expense of clothing such pupil, then the governor, or person administering the government, may cause an additional sum to be paid, not exceeding thirty dollars per annum for each pupil.

SEC. 6. That the term of instruction shall be three years, but may be extended to a term not exceeding in all eight years, and the application for the extended term shall be endorsed by the principal of the institution to which the beneficiary may have been sent.



SEC. 17. That section one (see section 14, *ante*) of the said act mentioned in the title hereof and approved March eighth, one thousand eight hundred and eighty-eight, be and the same is hereby amended so that henceforth said section one shall be and read as follows, and not otherwise, to-wit:

(That all indigent and feeble-minded females of this State, not otherwise provided for by the act to which this is a supplement, above twelve years of age, may be sent by the governor or person administering the government to some suitable and convenient home, which the governor or person administering the government may select; in which homes these females shall be entirely separate from the other sex and shall receive such industrial and other training as they may be capable of, and also that moral and physical care which they need.)

#### AMENDATORY ACT.

WHEREAS, The act to which this is an amendment does not confer upon the governor any power to send to the institutions therein named, worthy blind persons who shall lose their sight at an adult age, and thus enable them to learn a trade by which they may earn a livelihood; therefore,

SEC. 18. That section eight of an act entitled "An act for the instruction and maintenance of indigent deaf and dumb, blind and feeble-minded persons, inhabitants of this State" (revision), approved March twelfth, one thousand eight hundred and seventy-three, which section reads as follows (P. L. 1873, p. 45), be and the same is hereby amended so as to read as follows:

(That any deaf and dumb, blind or feeble-minded person not under five years of age, of a suitable age and capacity for instruction, may be entitled to the benefits of this act.)

SEC. 19. That the property lately used as a home for soldiers' children shall be taken and set apart to be used as an institution for the maintenance and instruction by the State of its indigent deaf and dumb.

SEC. 24. That indigent deaf and dumb persons of suitable age and capacity for instruction, who are legal residents

of this State, shall be entitled to the privilege of the school, without charge, and for such a period of time in each individual case as may be deemed expedient by the board of trustees.

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SEC. 35. That section one (see sections 26 and 31, *ante*) of the said act mentioned in the title hereof and approved April fourteenth, one thousand eight hundred and eighty-four, be and the same is hereby amended so that henceforth said section one shall be and read as follows, to-wit:

(That section eight of the act to which this is a supplement, be and is hereby amended so as to read as follows:)

(That any indigent deaf-mute of suitable capacity, who shall be a legal resident of this State, and who shall be not less than eight years nor more than twenty-one years of age, may be admitted to and be entitled to the benefits of the institution, subject to such rules and regulations as have been or may be established by the State board of education; the term of instruction shall be three years, but in any case in which it may be proper in the judgment of the said board for a period not exceeding eight years, which said term may be further extended by said board in meritorious cases for a period not exceeding three additional years: *And provided further*, That when it shall be found, in the judgment of said board, that any pupil now in the institution, or hereafter admitted, shall be, from want of capacity or other cause, not capable of receiving the benefits designed to be conferred, or that the retention of any pupil is or may be detrimental to the interests of the school, the said board shall have power to shorten the term of, or to dismiss from the school such pupil upon reasonable notice given to his or her parents or guardians.)

SEC. 12. That it shall be lawful for any two justices of the peace, at their discretion, to bind out the child of any beggar, vagrant, vagabond, common drunkard, or common prostitute, or of any person who shall not provide for such child, as a servant or apprentice to any person who may be willing to take such child, till the age of twenty-one years, if a male, or eighteen years, if a female, or for a less time.



## NEW JERSEY.

## VOLUME II.

AN ACT, For the prevention of blindness in the State of  
New Jersey.

SEC. 227. That should one or both eyes of an infant become inflamed, swollen or reddened, or show any unnatural discharge at any time within two weeks after its birth, and no legally-qualified practitioner of medicine be in attendance upon the infant at the time, it shall be the duty of the midwife, nurse, attendant or relative having charge of such infant, to report the fact in writing, within six hours, to the local board of health of the city, township, or other municipality in which the parents of the infant reside.

## AN ACT, For the punishment of cruelty to children.

SEC. 40. That whenever, upon conviction of any person of a criminal assault upon any child in his or her custody, the court or magistrate before whom such conviction is had shall deem it desirable for the welfare of such child that the person so convicted shall be deprived of its custody thereafter, such court or magistrate may commit such child to any orphan asylum, children's home or other charitable institution for its best care, welfare and protection.

SEC. 32. That whenever any person having the custody or control of any minor shall be convicted of a violation of any of the provisions of this act, it shall be lawful for any person to apply to the orphans' court of the county wherein the offense has been committed for the appointment of a proper guardian for the person of such minor, and the said court may, in its discretion, make any such appointment, having due regard in the selection of a guardian to the religious persuasion of the parent or former guardian, or it may place such child in an asylum or home for children, with the powers of a guardian of the person, as may be most expedient; and the said court may order the parent to pay such a reasonable sum towards the maintenance of such child, and at such times and in such amounts as the said court may see fit; and such courts may at any subsequent time, upon being



satisfied that the parent has become a fit person to resume the custody of said minor, and upon reasonable security, to be fixed by the court, being given for the faithful observance of the provisions of this act, remand such minor to the custody of such parent, subject, nevertheless, to the obligation of any indentures or legal engagements already entered into on behalf of said minor by his or her guardian.

SEC. 33. That any duly organized or incorporated humane society having for one of its objects the protection of children from cruelty, may offer any agents or officers employed by them to the mayor of any city for the purpose of being commissioned to act as police officers through the limits of said city, for the purpose of arresting all the offenders against this act or any of the provisions thereof, whereupon the mayor in such city shall, if such persons are proper and discreet persons, commission them to act as such police officers, with all the rights and powers appertaining thereto; but no such city shall be liable in any way for the salary or wages of such officers, or for any expense whatever in relation thereto, except for the detention of prisoners; and in district or township not incorporated such humane society may offer similarly qualified persons to the court of common pleas of the county, whereupon such court, or any judge thereof, shall, if they be fit persons, commission such persons to act as constables, with power to arrest all offenders against this act or any provisions thereof; but no township, borough or county shall be in any wise liable for the salary or wages of any such officer, or for any expense in relation thereto, except for the detention of prisoners; all persons thus qualified under this section shall be deemed to be constables and authorized officers within the meaning of section six of this act, and the keepers of jails or lock-ups or station-houses in any of said counties are required to receive all persons arrested by such policemen or constables.

SEC. 34. That whenever any person having the custody or control of any minor child shall be convicted of an assault and battery upon such child, or of any violation of the provisions of this act, it shall be lawful for the justice of the peace, magistrate or court before whom such conviction has

taken place, or where the parents or proper guardian of any child cannot be found, it shall be lawful for any magistrate or court to commit such child to the care and custody of any duly authorized or incorporated humane society within this State, having for one of its objects the protection of children from cruelty, and such society shall thereupon have all the rights of a guardian of the person of such child; but such society may at any time apply to the orphan's court of the proper county for the appointment of a guardian of the person or the commitment of such child to an asylum or home for children, as provided in the seventh section of this act.

SEC. 37. That whenever the parents or proper guardian of any infant unable to support itself have been convicted of any of the offenses enumerated in this act, or are dead, or cannot be found, and there is no other person legally responsible for the maintenance and support of such child willing to assume such support, or to be found within the county, any magistrate or court of record of the county in which such child may be found, may commit such child to the care and custody of the guardians of the poor of the said county; but nothing herein contained shall exempt any person from the duty of maintaining and supporting such child as now imposed by law.

SEC. 19. (P. 1832.) That it shall be the duty of the sheriffs, jailers, wardens, keepers and other persons having charge and control of the jails, work-houses, penitentiaries and other places of confinement in this State to keep all persons under the age of sixteen years who shall be detained in such jails, work-houses, penitentiaries and places of confinement, for any purpose whatever, separate and apart from and so that no communication take place between them and other persons above such age confined therein on a charge or conviction of crime.

SEC. 21. That no justice of the peace, police justice, recorder or other magistrate in this State shall detain or cause to be detained in any station-house, lock-up or other place of confinement, for a longer period than twenty-four hours after such person shall be first brought before such justice of the peace, police justice, recorder or other magistrate, any



person under the age of sixteen years, unless there shall have been provided in such station-house, lock-up or place of confinement, means by which such persons under sixteen years of age may be detained separate and apart from persons above such age.

SEC. 29. (P. 2510.) That the president of the board of trustees of every poor-house now established, or that may hereafter be established in any county of this State, by and with the consent of a majority of the board of trustees, or where no trustees are or shall be appointed, the director of the board of chosen freeholders, by and with the consent of a majority of the board of chosen freeholders, be and he hereby is authorized and empowered, and it shall be his duty to bind out the poor children who now are or may hereafter become chargeable upon such county, in the same manner and under the same conditions as those by which justices of the peace and overseers of the poor are authorized to bind out poor children by this act; and the said president of the board of trustees, or director of the board of chosen freeholders for the time being, who shall bind out any such poor child or children, as the case may be, are hereby appointed guardian of all and every child or children bound out by the said president or director, in the same manner and with the like powers and authority, and under the same obligations of duty, as the justices and overseers of the poor are by the same act invested with and directed to perform.

### VOLUME III.

SEC. 27. That when a boy under the age of sixteen years shall be arrested upon complaint of any crime (excepting murder or manslaughter), or of being a disorderly person, it shall be lawful for the magistrate before whom he shall be taken, after examination, if in his judgment said boy is a fit subject for the reform school, to commit him to the jail of the county or city where the charge shall be made, and forthwith to certify and send a copy of the complaint and commitment to a justice of the supreme court most convenient of access; and for making such copies the magistrate shall be



entitled to the same fees as are allowed by law for the original complaint and commitment.

SEC. 28. The said justice of the supreme court, upon receiving said copies of the complaint and commitment, or upon his own information of such complaint or commitment, shall and may issue a warrant to a sheriff, constable or other officer to bring said boy before him, and also an order to the parent or guardian of said boy, or such person as may have him in charge, or with whom he has last resided, or one known to be nearly related to him, or if he be alone and friendless, then to such persons as said justice may appoint to act as guardian ad litem, requiring him or her to appear at a time and place stated in said order, to show cause why said boy should not be committed to the reform school for reformation and instruction.

SEC. 29. That said order shall be served by the sheriff, a constable, or police officer, by delivering a copy thereof personally to the party to whom it is addressed, or leaving it with some person of full age at the place of residence or business of said party, and immediate return shall be made to said justice under oath of the time and manner of such service.

SEC. 30. That at the time and place mentioned in said order, or the time and place to which it may be adjourned, if the parent or guardian to whom said order may be addressed shall appear, then in his or her presence, or if he or she shall fail to appear, then in the presence of some suitable person whom the said justice shall appoint as guardian ad litem; and when the complaint is of crime, if said parent or guardian shall sign a consent in writing, to waive a trial by jury in behalf of said boy, it shall and may be lawful for said justice to proceed to take the voluntary examination of said boy, and to hear the statements of the party appearing for him; and such testimony in relation to the case as may be produced, and if upon such examination and hearing the said justice shall be satisfied that the boy has committed a crime, or is a disorderly person, and is a fit subject for the State reform school, he may commit him to said school by warrant, in substance as follows:

SEC. 36. That if any parent or guardian shall make complaint to a justice of the supreme court that any boy, the son or ward of such parent or guardian, is habitually vagrant and disorderly or incorrigible, it shall and may be lawful for said justice to issue a warrant to the sheriff, a constable or police officer, to cause said boy to be brought before him at such time and place as he may appoint, when and where said justice shall examine the parties, and if in his judgment the boy is a fit subject for the reform school, and there is a vacancy, he may issue an order with the consent of the said parent or guardian endorsed thereon, to be executed by the sheriff, a constable or police officer, committing said boy to the custody of the superintendent of said school for reformation and instruction until he shall attain the age of twenty-one years, or for such shorter term as said justice shall direct: *Provided*, That security for the payment of the expenses of said complaint and commitment and of carrying said boy to the reform school, at the rates hereinbefore prescribed in other cases, and the expenses of board at such school may, in the discretion of said justice, be required of the said parent or guardian: *And provided also*, That it shall and may be lawful for the superintendent, with the consent of the majority of the trustees, at any time to dismiss said boy from the school if he be found incorrigible, or if said boy is reformed and suitable to be returned to his home.

SEC. 48. That the first section of the further supplement to "An act to establish and organize the State reform school for juvenile offenders," which supplement was approved April second, one thousand eight hundred and sixty-eight (see section 38, *ante*), be and the same is hereby amended so as to read as follows:

(That when a boy under the age of sixteen years shall, in a court of criminal jurisdiction, by the verdict of a jury or on his own confession in open court, be found guilty of any crime, except murder, it shall be lawful for the said court, instead of entering judgment and pronouncing sentence according to law, to cause an order to be entered in the minutes that said boy be committed to the State reform school for reformation and instruction, pursuant to the provisions



of the act to which this is a further supplement, and the supplements thereto; and a copy of said order, duly certified by the clerk under the seal of said court, shall be a sufficient warrant for taking the said boy to the said reform school, and for his commitment to the superintendent thereof: *Provided*, That such order shall be made or approved by a justice of the supreme court.)

#### INDUSTRIAL SCHOOL FOR GIRLS.

SEC. 72. That an industrial school be established in this State for the reformation of such girls between the ages of seven and sixteen years as may be committed to it in the manner hereinafter provided.

SEC. 73. That the governor, chancellor and chief justice of the State for the time being shall constitute a board of control whose duty it shall be to appoint six trustees to take charge of the management and general interests of the institution and also to fill vacancies from time to time.

SEC. 80. That the said trustees and lady managers shall cause the girls under their charge to be instructed in piety and morality and in such branches of useful knowledge as may be adapted to their age and capacity; also in some regular course of labor, either mechanical, manufacturing or horticultural, or a combination of these; and especially in such domestic and household labor and duties as shall be best suited to their age and strength, disposition and capacity, and in such other arts, trades and employments as may seem to the trustees best adapted to preserve their health, secure their reformation, amendment, and future benefit; and in binding out the inmates, scrupulous regard shall be had to the moral and religious character of those to whom it is proposed to bind them.

SEC. 81. That the trustees of said school shall have power to bind out all girls committed to their charge for any term or time, until they shall have arrived at the age of eighteen years, as apprentices, such binding to be by indenture, signed by one of said trustees and the superintendent or matron, and in the same manner and under the same conditions as the president of the board of trustees of any poor-house



establishment in any county of this State is authorized to bind out poor children by the act entitled "An act for the settlement and relief of the poor," and the said trustees are hereby appointed guardians of each girl bound out, in the same manner and with the like power and authority, and under the same obligation of duty as said presidents of poor-houses are, by the same act, invested with and directed to perform, and said indenture shall not be assigned without the previous consent, in writing, of said trustees, endorsed upon said indenture and signed by one of said trustees and the superintendent; and it shall be the duty of the master or mistress to whom any such girl shall be bound to service, and he or she shall by the terms of the indenture be required, as often as once in every six months, to report to the trustees of said school the conduct and behavior of the said apprentice so bound to service, and whether she is still living under the care of the said master or mistress, and if not, where else she may be.

SEC. 89. That in case any girl under the age of sixteen years shall have been committed to the county jail of any county, by any police justice of any city, or by any justice or justices of the peace of any county for crime or vagrancy, it shall be lawful for any justice of the supreme court, on complaint of any citizen, to institute a summary examination; and if he shall be satisfied that she is a suitable subject for the industrial school he may commit her thereto by warrant, as in other cases in said act provided.

SEC. 91. That when the trustees of the State Industrial School for Girls shall become satisfied that any girl committed to the said school is unfitted by physical or mental imbecility for the instruction, discipline and care of the institution, or that the permanent interests of a pupil will be promoted by her release before the expiration of a year from her commitment, it shall be lawful for a majority of the board of trustees to release her under such conditions as they may deem necessary to promote her welfare.

SEC. 92. That section sixteen of the act to which this is a supplement (see section 87, *ante*) be amended so as to read as follows:

(That in case any girl under the age of sixteen years shall have been sentenced, after conviction in any county court, to imprisonment in the jail thereof, or in the State prison, it shall be lawful for any justice of the supreme court, or president law judge of the court of common pleas of all counties which now have or may hereafter have such office, on complaint of any citizen, to institute a summary examination; and if he shall be satisfied that she is a suitable subject for the industrial school, he may commit her by warrant, as in other cases provided.)

SEC. 149. That all children between the ages of seven and fifteen years, who are habitual truants from school, or who while in attendance at any public school are incorrigible, vicious or immoral in conduct, and all children between the said ages who absent themselves habitually from school, and habitually wander about streets and public places during school hours, having no business or lawful occupation, shall be deemed juvenile disorderly persons, and subject to the provisions of this act.

SEC. 150. That in all cities having a duly organized police force, it shall be the duty of the police authority, at the request of the inspectors of factories and workshops, or of the school authority, to detail one or more members of said force to assist in the enforcement of this act, and in districts having no regular police force, subject to this act, it shall be the duty of the board of education or the school district officers to designate one or more constables of said city, township or village, whose duty it shall be to assist in the enforcement of this act, as occasion may require, and said board of education shall fix and determine the compensation to be given such police officer or constable for the performance of his duties under the act; members of any police force or any constable designated to assist in the enforcement of this act, as provided in this section, shall be known as truant officers: *Provided*, That in districts where no constable resides the said board shall have power to appoint some other suitable person as truant officer.

SEC. 151. That it shall be the duty of any such truant officer or officers detailed to enforce the provisions of this



act to examine into all cases of truancy, when requested so to do by the inspectors of factories and workshops, or by a district school board, and to warn such truants, their parents or guardians, in writing, of the final consequence of truancy, if persisted in, and also to notify the parents, guardian or other person having the legal charge and control of any juvenile disorderly person that the said person is not attending any school, and to require said parent, guardian or other person to cause the said child to attend some recognized school within five days from said notice, and it shall be the duty of said guardian or other person having the legal charge and control of said child to cause the attendance of said child at some recognized school; if said parent, guardian or other person having the legal charge and control of said child shall wilfully refuse, fail or neglect to cause said child to attend some recognized school, it shall be the duty of said officer to make or cause to be made a complaint against said parent, guardian or other person having the legal control and charge of such child, in any court of competent jurisdiction in the school district in which the offense occurred, for such refusal or neglect, and upon conviction thereof said parent, guardian or other person, as the case may be, shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars, or the court may in its discretion require the person so convicted to give a bond in the penal sum of one hundred dollars, with one or more sureties, to be approved by said court, conditioned that said person so convicted shall cause the child or children under his or her legal charge or control to attend some recognized school within five days thereafter, and to remain at said school during the term prescribed by law: *Provided*, That if said parent or guardian, or other person in charge of said child shall prove inability to cause said child to attend said recognized school, then said parent or guardian of the person shall be discharged, and said court shall, upon complaint of said truant officer or other person that said child is a juvenile disorderly person, as described in section five of this act, proceed to hear such complaint, and if the said court shall determine that said child is a juvenile disorderly person within



the meaning of this act, then said court shall thereupon sentence said child to a juvenile reformatory until such child shall arrive at the age of sixteen years, unless sooner discharged by the board of control of said juvenile reformatory: *Provided, however,* That such sentence may be suspended in the discretion of said court, for such time as the child shall regularly attend school and properly deport himself or herself: *It is further provided,* That if, for any cause, the parent or guardian, or other person having charge of any juvenile disorderly person, as defined in this act, shall fail to cause such juvenile disorderly person to attend said recognized school, then complaint against such juvenile disorderly person may be made, heard, tried and determined in the same manner as is provided for in case the parent pleads inability to cause said juvenile disorderly person to attend said recognized school: *And, it is further provided,* That no child under the age of nine years shall be sent to a juvenile reformatory under the provisions of this act.

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## NEW YORK.

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### REVISED STATUTES OF NEW YORK.

#### VOLUME I.

#### HOUSES OF DETENTION FOR WOMEN, CHILDREN AND WITNESSES.

SEC. 101. The board of supervisors of any county, except the county of Kings, may procure, by lease or purchase, a suitable place or places, other than the jail, for the safe and proper keeping, and care of women and children charged with crime not punishable by death or imprisonment in State prison for a term exceeding five years or with second offense, and persons when so provided, any magistrate in the county shall commit women and girls, and boys under sixteen years of age, and all persons held as witnesses thereto, instead of the jail. The sheriff shall have the same charge and control of such house, and shall be entitled to the same compensation for the care and keeping of prisoners therein, as in the county jail.

VOLUME III.

L. 1824. Ch. 126.

AN ACT, To incorporate the society for the reformation of juvenile delinquents in the city of New York.

SEC. 6. *And be it further enacted*, That the said managers under this act, may from time to time make by-laws, ordinances and regulations, relative to the management and disposition of the estate and concern of the said corporation, and the management, government, instruction, discipline, employment and disposition of the said children, while in the said house of refuge, or under their care, not contrary to law, as they deem proper, and may appoint such officers, agents and servants as they may deem necessary to transact the business of the said corporation, and may designate their duties: *And further*, That the said managers shall make an annual report to the legislature, and to the corporation of the city of New York, of the number of children received by them into the said house of refuge, the disposition which shall be made of the said children by instructing or employing them in the said house of refuge, or by binding them out as apprentices or servants, the receipts and expenditures of the said managers, and generally all such facts and particulars as may tend to exhibit the effects, whether advantageous or otherwise, of the said association.

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L. 1846. Ch. 143.

AN ACT, To authorize the establishment of a house of refuge for juvenile delinquents in Western New York.

CHILDREN TO BE RECEIVED WHEN LEGALLY COMMITTED.

SEC. 13. The said managers and superintendent shall receive and take into the said house of refuge all male children under the age of eighteen years and all female children under the age of seventeen, who shall be legally committed to the



said house of refuge as vagrants, or on a conviction for any criminal offense by any court having authority to make such commitments; the said managers shall have power to place the said children committed to their care, during the minority of such children, at such employments, and cause them to be instructed in such branches of useful knowledge as shall be suitable to their years and capacities; and they shall have power, in their discretion, to bind out the said children, with their consent, as apprentices or servants, during their minority, to such persons and at such places, to learn such proper trades and employments, as in their judgment will be most for the reformation and amendment, and the future benefit and advantage of such children; *Provided*, That the charge and power of the said managers upon and over the said children shall not extend, in the case of females, beyond the age of eighteen years, or in the case of males, beyond the age of twenty-one years.

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#### NEW YORK REVISED STATUTES.

L. 1853. Ch. 608.

AN ACT, In relation to the confinement of juvenile offenders under sentence of the courts of the United States.

#### DUTY OF KEEPERS OF THE HOUSE OF REFUGE.

It shall be the duty of the respective keepers of the house of refuge in the city of New York and the western house of refuge to receive and safely keep in their respective houses, subject to the regulations and discipline thereof, any criminal under the age of sixteen years, convicted of any offense against the United States, sentenced to imprisonment therein by any court of the United States sitting within this State, until such sentence be executed, or until such convict shall be discharged by due course of law; the United States supporting such convict and paying the expenses attendant upon the execution of such sentence.



L. 1863. Ch. 325.

AN ACT, To provide for the care and education of indigent deaf mutes under the age of twelve years.

DEAF MUTES TO BE PLACED IN STATE INSTITUTIONS.

SECTION 1. Whenever a deaf mute child, under the age of twelve years, shall become a charge for its maintenance on any of the towns or counties of this State, or shall be liable to become such charge, it shall be the duty of the overseers of the poor of the town, or of the supervisors of such county, to place such child in the New York Institution for the Deaf and Dumb, or in the Institution for the Improved Instruction of Deaf Mutes, or in the Le Couteux St. Mary's Institution for the Improved Instruction of Deaf Mutes, in the city of Buffalo, or in the Central New York Institution for Deaf Mutes, in the city of Rome, or in any institution of the State for the education of deaf mutes.

WHAT CHILDREN ARE DISORDERLY.

SEC. 5. All children under the age of sixteen in the several counties, which now are or hereafter shall be designated by law as the counties from which juvenile delinquents shall be sent to the house of refuge in the city of New York, deserting their homes without good and sufficient cause, or keeping company with dissolute or vicious persons against the lawful commands of their fathers, mothers, guardians, or other persons standing in the place of a parent, shall be deemed disorderly children.

L. 1867. Ch. 744.

AN ACT, To define the objects of the New York State Institution for the Blind, and to provide for its management.

PERSONS ENTITLED TO PRIVILEGES OF THE INSTITUTION.

SECTION 1. All blind persons of suitable age and capacity for instruction who are legal residents of the State, shall

be entitled to the privileges of the New York State Institution for the Blind, without charge, and for such a period of time in each individual case as may be deemed expedient by the board of trustees of said institution: *Provided*, That whenever more persons apply for admission at one time than can be properly accommodated in the institution, the trustees shall so apportion the number received, that each county may be represented in the ratio of its blind population to the total blind population of the State: *And provided further*, That the children of citizens who died in the United States service, or from wounds received therein during the late rebellion, shall take precedence over all others.

#### OBJECT OF THE INSTITUTION.

SEC. 4. The primary object of the institution shall be to furnish to the blind children of the State the best known facilities for acquiring a thorough education, and train them in some useful profession or manual art, by means of which they may be enabled to contribute to their own support after leaving the institution; but it may likewise, through its industrial department, provide such of them with appropriate employment and boarding accommodations as find themselves unable, after completing their course of instruction and training, to procure these elsewhere for themselves. It shall, however, be in no sense an asylum for those who are helpless from age, infirmity, or otherwise, or a hospital for the treatment of blindness.

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L. 1875. Ch. 228.

AN ACT, To authorize the establishment of a female department to the Western House of Refuge for Juvenile Delinquents.

#### GIRLS UNDER SIXTEEN COMMITTED THERETO.

SEC. 7. The managers and superintendent shall receive and take into said house of refuge all female children under the age of sixteen who shall be legally committed to said house of refuge as vagrants, or on a conviction of any criminal offense by any court having authority to make such com-

mitments. The said managers shall have power to place the said children committed to their care, during the minority of such children, at such employments and cause them to be instructed in such branches of useful knowledge as shall be suitable to their years and capacities; and they shall have power, in their discretion, to bind out the said children, with their consent, as apprentices or servants, during their minority, to such persons, and at such places, to learn such proper trades and employment, as in their judgment will be most for the reformation and the future benefit and advantage of such children: *Provided*, That the charge and power of said managers upon and over said female children shall not extend beyond the age of eighteen years.

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L. 1878. Ch. 404.

AN ACT, To provide for the support, treatment and care of pauper, destitute and delinquent children.

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L. 1881. Ch. 278.

AN ACT, Authorizing such women and girls as are vagrants or convicted of misdemeanors as a first offense to be sent to the Shelter for Homeless Women in the city of Syracuse.

PROTESTANT GIRLS UNDER SIXTEEN IN CERTAIN JUDICIAL DISTRICTS MAY BE COMMITTED.

SECTION 1. Any police justice, justice of the peace or other committing magistrate or court in the fifth, sixth, seventh or eighth judicial district of this State, is hereby authorized to commit to "The Shelter for Unprotected Girls" any girl under the age of sixteen years, of Protestant faith or parentage, who shall be taken before such committing officer or court, and who may be committed under any of the provisions of sections two hundred and ninety-one and two hundred and ninety-two of the penal code of the State of New York, or as vagrants or committed on conviction of misdemeanor. Any girl so committed shall be committed to the custody and control of the said corporation until such girl is



discharged therefrom by the vote of a majority of the trustees of said corporation. But such girls shall not in any event, or under any of the provisions of this act be detained by such corporation after she shall have arrived at the age of nineteen years.

#### EMPLOYMENT, INSTRUCTION AND CARE.

SEC. 6. "The Shelter for Unprotected Girls" is hereby authorized to receive, and have the custody of all girls committed, surrendered or transferred to it under the provisions of this act, and of such as are now under the care and custody of "The Shelter for Homeless Women," in Syracuse, New York, and shall have authority by officers or agents to restrain or direct them; to keep such girls at such employments, and to cause them to be instructed in such branches of useful knowledge as shall be suitable for their years and capacities; to determine their hours of labor, study and rest; to care for their sustenance and health and to have general control over them.

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L. 1884. Ch. 438.

AN ACT, To revise and consolidate the statutes of the State relating to the custody and care of indigent and pauper children by orphan asylums and other charitable institutions.

SECTION 1. The guardianship of the person and the custody of any indigent child may be committed to any incorporated orphan asylum or other institution incorporated for the care of orphan, friendless or destitute children, by an instrument in writing signed by the parents of such child, if both such parents shall then be living, or by the surviving parent, if either parent of such child be dead, or if either one of such parents shall have, for the period of six months then next preceding, abandoned such child, by the other of such parents, or if the father of such child shall have neglected to provide for his family during the six months then next preceding, or if such child be a bastard, by the mother of such child; or if both parents of such child then be dead, by the guardian of the person of such child, legally appointed, with

the approval of the court or officer which appointed such guardian to be entered of record; or if both parents of such child shall then be dead and no legal guardian of the person of such child shall have been appointed, and no guardian of such child shall have been appointed by a last will and testament, or by a deed by either parent thereof, or if the parents of such child shall have abandoned such child for the period of six months then next preceding, by the mayor of the city or by the county judge of the county in which such asylum or such other institution shall be located, upon such terms, for such time, and subject to such conditions as may be agreed upon by the parties to such written instrument. And such written instrument may provide for the absolute surrender of such child to such corporation. But no such corporation shall draw or receive money from public funds for the support of any such child committed under the provisions of this section, unless it shall have been determined by a court of competent jurisdiction that such child has no relative, parent or guardian living, or that such relative, parent or guardian, if living, is destitute and actually unable to contribute to the support of such child.

#### CHILDREN NOT TO BE SENT TO COUNTY POOR-HOUSE, ETC.

SEC. 2. It shall not be lawful for any county superintendent or overseer of the poor, board of charity or other officer, to send any child between the ages of two and sixteen years, as a pauper, to any county poor-house or almshouse for support and care, or to detain any child between the ages of two and sixteen years in such poor-house or almshouse; but such county superintendents, overseers of the poor, boards of charities or other officers shall provide for such child or children, in families, orphan asylums, hospitals, or other appropriate institutions, as provided by law. The boards of supervisors of the several counties of the State are hereby directed to take such action in the matter as may be necessary to carry out the provisions of this section. When any such child shall be so provided for or placed in any orphan asylum or such other institution, such child shall,



when practicable, be so provided for or placed in such asylum or such other institution as shall then be controlled by persons of the same religious faith as the parents of such child.

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L. 1884. Ch. 470.

AN ACT, Relating to the employment of children by contract in houses of refuge, reformatories and other correctional institutions.

MANAGERS' POWERS, ETC., TO CONTINUE.

SEC. 3. It shall be lawful for the board of managers of the State Industrial School to receive into said school all children who have heretofore been, or who may hereafter be, sentenced to the Western House of Refuge for Juvenile Delinquents, or to the House of Refuge for Juvenile Delinquents in Western New York, or to the State Industrial School, and to retain the same, subject to the rules and regulations of said institution, and said board of managers shall have the right, and it shall be their duty, to receive and detain all such persons committed to their custody, and such right and duty shall not be affected, prejudiced or impaired by reason of, or in consequence of, any technical defect or clerical error in the warrant of commitment. The several courts having criminal jurisdiction and who shall hold criminal courts in all the counties of this State, except the counties of New York and Kings, are hereby authorized to sentence juvenile delinquents convicted in any of such courts to such State Industrial School.

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L. 1891. Ch. 216.

AN ACT, To prohibit, except on conviction for felony, the commitment of children under twelve years of age to the State Industrial School at Rochester, or the house of refuge on Randall's Island.

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L. 1895. Ch. 38.

AN ACT, To continue the Thomas Asylum for Orphan and Destitute Indian Children, on the Cattaraugus reservation, and to provide for its management and maintenance.



L. 1895. Ch. 59.

AN ACT, To continue and confirm the title of the State to the Rome State Custodial Asylum and to provide for its government and management.

#### COMMITMENTS.

SEC. 6. The superintendent of the poor of the various counties of the State may commit to said institution such unteachable idiots, who are indigent or inmates of county almshouses, as reside in their respective counties, if vacancies exist, upon forms to be provided by said board of managers, and in conformity to regulations adopted by said managers, but in no case shall insane idiots or epileptic idiots be committed to said institution.

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L. 1895. Ch. 771.

AN ACT, To revise and consolidate the laws relating to the State board of charities.

#### GENERAL DUTIES.

SEC. 2. It shall be the duty of the State board of charities to visit, inspect and maintain a general supervision of all institutions, societies or associations, which are of a charitable, eleemosynary, correctional or reformatory character, whether State or municipal, incorporated or not incorporated, which are made subject to its supervision by the constitution.

1. To aid in securing the just, humane and economic administration of all institutions subject to its supervision.

2. To advise the officers of such institutions in the performance of their official duties.

3. To aid in securing the erection of suitable buildings for the accommodation of the inmates of the institution aforesaid.

4. To approve or not approve the organization and incorporation of institutions, as authorized by law.

5. To investigate the management of all institutions made subject to the supervision of the board, and the conduct and efficiency of the officers or persons charged with

their management, and the care and relief of the inmates of such institutions therein or in transit.

6. To secure the best sanitary condition of the buildings and grounds of all such institutions, and to protect and preserve the health of the inmates.

7. In the case of institutions having the care of children, to aid in securing the establishment and maintenance of such industrial, educational and moral training as is best suited to the needs of the inmates.

8. In accordance with the provisions of section fourteen of article eight of the constitution, to establish rules for the reception and retention of inmates of all institutions therein described which are subject to its supervision.

9. To investigate the condition of the poor seeking public aid, and advise measures for their relief.

10. To administer the laws providing for the care, support and removal of State and alien paupers and the support of pauper Indians.

11. To collect statistical information in respect to the property, receipts and expenditures of all institutions, societies and associations subject to its supervision, and the number and condition of the inmates thereof, and the poor receiving public relief.

### VOLUME III.

#### DEAF AND DUMB AND BLIND INSTITUTIONS.

#### ARTICLE XIV.

SEC. 40. All the institutions for the instruction of the deaf and dumb, and blind, and all other similar institutions, incorporated under the laws of the State, or that may be hereafter incorporated, shall be subject to the visitation of the superintendent of public instruction, and it shall be his duty:

1. To inquire, from time to time, into the expenditures of each institution, and the systems of instruction pursued therein, respectively.

2. To visit and inspect, or cause to be visited and inspected, the schools belonging thereto, and the lodgings and accommodations of the pupils.

3. To ascertain by a comparison with other similar institutions whether any improvements in instruction and discipline can be made; and for that purpose to appoint, from time to time, suitable persons to visit the schools.

4. To suggest to the directors of such institutions and to the legislature such improvements as he shall judge expedient.

5. To make an annual report to the legislature on all the matters before enumerated, and particularly as to the condition of the schools, the improvement of the pupils, and their treatment in respect to board and lodging.

SEC. 42. Each pupil so received into either of the institutions aforesaid shall be provided with board, lodging and tuition; and the directors of the institution shall receive for each pupil so provided for the sum of \_\_\_\_\_ dollars per annum, in quarterly payments, to be paid by the treasurer of the State, on the warrant of the controller, to the treasurer of said institution, on his presenting a bill showing the actual time and number of such pupils attending the institution, and which bill shall be signed by the president and secretary of the institution, and verified by their oaths. The regular term of instruction for such pupils shall be five years; but the superintendent of public instruction may, in his discretion, extend the term of any pupil for a period not exceeding three years. The pupils provided for in this and the preceding section of this title shall be designated State pupils; and all the existing provisions of law applicable to State pupils now in said institutions shall apply to pupils herein provided for.

#### WHEN COUNTY SUPERINTENDENT MAY BIND OUT INFANTS.

SEC. 5. The county superintendent of the poor, in the several counties, may bind out any child, under the ages above specified, who shall be sent to any county poor-house, or who is or shall become chargeable to such county, to be clerks, apprentices or servants until such child, if a male, shall be twenty-one years old, or if a female, shall be eighteen years old; which binding shall be as effectual as if such child had bound himself with the consent of his father.



## WHEN OVERSEERS OF POOR.

SEC. 6. The overseers of the poor of any town or city may, in like manner, bind out any such child, who, or whose parent or parents, shall become chargeable to such town or city, or who shall have been sent to any poor-house, other than a county poorhouse, with the consent in writing of any two justices of the peace of the town, or of the mayor, recorder and aldermen of any city, or of any two of them.

COUNTY SUPERINTENDENTS AND OVERSEERS  
TO BE GUARDIAN OF SERVANTS.

SEC. 27. The county superintendents of the poor, and the overseers of the poor of the respective cities or towns, shall be the guardians of every person bound or held in service, in their respective cities or towns, to take care that the terms of the contract of service be fulfilled, and that such person be properly used; and it is hereby made their special duty to inquire into the treatment of every such person and redress any grievance in the manner prescribed by law.

## LAWS OF NEW YORK, 1899.

## VAGRANT CHILDREN—ARREST OF, ETC. ✓

SEC. 291. Any child, actually or apparently under the age of sixteen years, who is found:

1. Begging or receiving or soliciting alms, in any manner or under any pretense; or gathering or picking rags, or collecting cigar stumps, bones or refuse from markets; or,
2. Not having any home or other place of abode or proper guardianship; or who has been abandoned or improperly exposed or neglected, by its parents or other person or persons having it in charge, or being in a state of want, or suffering; or,
3. Destitute of means of support, being an orphan, or living or having lived with or in custody of a parent or guardian who has been sentenced to imprisonment for crime,

or who has been convicted of a crime against the person of such child, or has been adjudged an habitual criminal; or,

4. Frequenting or being in the company of reputed thieves or prostitutes or in a reputed house of prostitution or assignation, or living in such a house either with or without its parents or guardian, or being in concert saloons, dance-houses, theatres, museums or other places of entertainment, or places where wines, malt or spirituous liquors are sold, without being in charge of its parent or guardian; or playing any game of chance or skill in any place wherein or adjacent to which any beer, ale, wine or liquor is sold or given away, or being in any such place; or,

5. Coming within any of the descriptions of children mentioned in section two hundred and ninety-two, must be arrested and brought before a proper court or magistrate, who may commit the child to any incorporated charitable reformatory, or other institution, and, when practicable, to such as is governed by persons of the same religious faith as the parents of the child, or may make any disposition of the child such as now is, or hereafter may be authorized in the cases of vagrants, truants, paupers or disorderly persons, but such commitment shall, so far as practicable, be made to such charitable or reformatory institutions. \* \* \*

SEC. 6. Any magistrate having criminal jurisdiction may commit, temporarily, to an institution authorized by law to receive children on final commitment and to have compensation therefor from the city or county authorities, any child under the age of sixteen years, who is held for trial on a criminal charge; and may, in like manner, so commit any such child as a witness to appear on the trial of any criminal case; which institution shall thereupon receive the same, and be entitled to the like compensation proportionally therefor as on final commitment, but subject to the order of the court as to the time of detention and discharge of the child. Any such child convicted of any misdemeanor shall be, finally committed to some such institution, and not to any prison or jail, or penitentiary, longer than is necessary for its transfer thereto. No child under restraint or conviction, actually or apparently under the age of sixteen years, shall be



placed in any prison or place of confinement, or in any court room, or in any vehicle for transportation in company with adults charged with or convicted of crime.

#### PERSONS BETWEEN THE AGES OF SIXTEEN AND TWENTY-ONE YEARS.

SEC. 699. Where a male person between the age of sixteen and twenty-one years is convicted of a felony, or where the term of imprisonment of a male convict for a felony is fixed by the trial court at one year or less, the court may direct the convict to be imprisoned in a county penitentiary instead of a State prison, or in the county jail located in the county where sentence is imposed. Whenever a child under the age of fourteen years is charged with the perpetration of a crime other than a capital crime, which, if committed by an adult, would be a felony, the child shall, in the discretion of the court, be tried as for a misdemeanor, and the court, magistrate or tribunal before whom such trial is held shall impose the penalty as prescribed by law in the case of misdemeanors.

#### DISPOSITION TO BE MADE OF PERSONS UNDER SIXTEEN CONVICTED OF CRIME.

SEC. 713. When a person under the age of sixteen is convicted of a crime, he may, in the discretion of the court, instead of being sentenced to fine or imprisonment, be placed in charge of any suitable person or institution willing to receive him, and be thereafter, until majority or for a shorter term, subjected to such discipline and control of the person or institution receiving him as a parent or guardian may lawfully exercise over a minor. A child under sixteen years of age committed for misdemeanor under any provision of this code must be committed to some reformatory, charitable or other institution authorized by law to receive and take charge of minors. And when any such child is committed to an institution it shall, when practicable, be committed to an institution governed by persons of the same religious faith as the parents of such child.



RUST'S NEW YORK PENAL CODE AND CODE OF  
CRIMINAL PROCEDURE, 1896-97.

SAME AS TO CHILD UNDER SEVEN YEARS.

SEC. 18. A child under the age of seven years is not capable of committing crime.

PRESUMPTION OF RESPONSIBILITY IN GENERAL  
AS TO CHILD OF SEVEN YEARS OR MORE.

SEC. 19. (Am'd 1888.) A child of the age of seven years and under the age of twelve years is presumed to be incapable of crime, but the presumption may be removed by proof that he had sufficient capacity to understand the act or neglect charged against him and to know its wrongfulness. Whenever, in any legal proceedings, it becomes necessary to determine the age of a child, the child may be produced for personal inspection to enable the magistrate, court or jury to determine the age thereby; and the court or magistrate may direct an examination by one or more physicians, whose opinion shall also be competent evidence upon the question of age. A copy of the record of baptism of any child in any parish register or register kept in a church, or by a clergyman thereof, or a certificate of baptism duly authenticated by the person in charge of such register, or who administered said baptism, and also a transcript of the record of birth, recorded in any bureau of vital statistics or board of health, duly authenticated by its secretary or under its seal, and the entries made in a family Bible, shall also be competent evidence upon the question of age.

HOUSE OF REFUGE.

SEC. 701. (Am'd 1896.) Where a person under the age of twelve years is convicted of a crime amounting to felony, or where a person of the age of twelve years and under the age of sixteen years is convicted of crime, or where a male person of the age of sixteen years and under the age of eighteen years is convicted of crime not amounting to felony, the trial court may, instead of sentencing him to imprisonment in a State prison or in a penitentiary, direct him to be confined

in a house of refuge under the provisions of the statute relating thereto. Where the conviction is had and the sentence is inflicted in the first, second or third judicial district, the place of confinement must be a house of refuge established by the managers of the society for the reformation of juvenile delinquents in the city of New York; where the conviction is had and the sentence inflicted in any other district, the place of confinement must be in the Western House of Refuge for Juvenile Delinquents. But nothing in this section shall affect any of the provisions contained in section seven hundred and thirteen.

#### NEW YORK PENAL CODE.

SEC. 887. \* \* \* Sentence 8. Any child between the age of five and fourteen, having sufficient bodily health and mental capacity to attend the public schools, found wandering in the streets or lanes of any city or incorporated village, a truant, without any lawful occupation.

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#### PROCEEDINGS BEFORE MAGISTRATE.

SEC. 888. (Am'd 1888.) When complaint is made to any magistrate by any citizen or peace officer against any vagrant under subdivision eight of the last section, such magistrate must cause a peace officer to bring such child before him for examination, and shall also cause the parent, guardian or master of such child, if the child has any, to be summoned to attend such examination. If thereon the complaint shall be satisfactorily established, the magistrate must require the parent, guardian or master to enter into an engagement in writing to the corporate authorities of the city or village that he will restrain such child from so wandering about, will keep him in his own premises or in some lawful occupation and will cause him to be sent to some school at least four months in each year until he becomes fourteen years old. The magistrate may, in his discretion, require security for the faithful performance of such engagement. If the child has no parent, guardian or master, or none can be found, or if the parent, guardian or master refuse or neglect, within a reasonable



time, to enter into such engagement, and to give such security, if required, the magistrate shall make the like disposition of such child as is authorized to be made by section two hundred and ninety-one of the Penal Code, of children coming within the description therein mentioned.

#### CHAPTER CCCCIV.

L. 1898. Ch. 404.

AN ACT, To provide for the support, treatment and care of pauper, destitute and delinquent children.

#### WHERE CHILDREN UNDER SIXTEEN TO BE COMMITTED.

It shall not be lawful for any justice of the peace, boards of charities, police justice or other magistrate to commit any child under sixteen years of age as vagrant, truant or disorderly to any jail, county poor-house or almshouse, but such justices of the peace, boards of charities, police justices or other magistrates shall commit such child or children to some reformatory or other institution, as provided for in the case of juvenile delinquents; but in case of any such commitment such justice of the peace, board of charities, police justice or other magistrate shall immediately give notice to the superintendent of the poor or other authorities having charge of the poor of the county in which said commitment was made, giving name and age of the person committed, to what institution, and the time for which committed; nor shall it be lawful for any county superintendent or overseer of the poor, board of charity or other officer to send any child between the ages of two and sixteen years as a pauper to any county poor-house or almshouse for support and care, or to retain any child between the ages of two and sixteen years in such poor-house or almshouse; but such county superintendents, overseers of the poor, boards of charities or other officer shall provide for such child or children in families, orphan asylums, hospitals or other appropriate institutions, as now provided by law. The boards of supervisors of the several counties, and



the board of estimate and appointment of the county of New York, are hereby directed to take such action in the matter as may be necessary to carry out the provisions of this act. When any such child is committed to any orphan asylum or reformatory it shall, when practicable, be committed to an asylum or reformatory that is governed or controlled by persons of the same religious faith as the parents of such child.

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## OKLAHOMA.

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### STATUTES OF OKLAHOMA, 1893.

#### ARTICLE LIX.

SEC. 19. Whenever any person under the age of sixteen years is convicted of an offense punishable by imprisonment in the Territorial prison, the court before whom such conviction was had, may, in its discretion, sentence the person so convicted to imprisonment in the county jail of the county, or until there may be a reformatory, after which time (he) may be sentenced to the reformatory in which such conviction was had.

SEC. 37. Juvenile prisoners shall be treated with humanity and in a manner calculated to promote their reformation; they shall be kept, if the jail will admit of it, in apartments separate from those containing more experienced and hardened criminals; the visits of parents, guardians and friends, who desire to exert a moral influence over them, shall at all reasonable times be permitted.

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## OREGON.

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HILL'S ANNOTATED LAWS, SECOND EDITION,  
1892.

#### VOLUME II.

### TITLE IX.—OF THE SCHOOL FOR DEAF MUTES.

2705. The Oregon School for the Education of Deaf Mutes is hereby created, to be located at the city of Salem, Marion county, Oregon.

2706. Such school shall have for its object the instruction and education of deaf mutes residing in the State and adjoining States and Territories.

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2712. SEC. 8. Tuition in said school shall be free to all the deaf mutes of the State, and board and lodging shall be furnished free to all such deaf mutes whose parents, in the opinion of said board of trustees, have not the means to pay for such board and lodging. \* \* \*

# TITLE X.—OF THE INSTITUTE FOR THE BLIND.

2713. The State board of education are hereby constituted the board of trustees of said institute, and it shall be their duty, etc. \* \* \*

2714. All blind persons who are residents of this State, of sound mind and in good health, shall be entitled to free education at the institute for a period of not more than two years, and the board shall further have authority to allow pupils, for special reasons, to remain for a longer period than two years. \* \* \*

Page 1976.

AN ACT, To increase the efficiency of special schools for the education of defective and afflicted children in the State of Oregon.

SECTION 1. It shall be the duty of the clerks of all school districts in the State of Oregon to report to the school superintendents of their respective counties the names of all deaf mutes or blind youth residing within their districts, who are between the ages of six and fourteen years.

SEC. 2. Report of such youth to be made to county commissioners, and also to superintendents of school for deaf mutes and school for blind.

SEC. 3. Immediately on the receipt of said duplicate reports, it shall be the duty of the superintendents of said schools for the deaf or the blind, as the case may be, to furnish each and every parent or guardian of any deaf mute or blind person of school age with all necessary information and blanks necessary to secure admission to said institution.

SEC. 4. Traveling expenses and clothing to be furnished by State, if parents are unable to do so.

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LAWS OF OREGON, 1892.

AN ACT, To provide for the further establishment, advancement and development of the State reform school.

SECTION 1. There shall be established and permanently located in Marion county, this State, a school to be known as the "State Reform School," said school to be maintained for the confinement, discipline, education, employment and reformation of juvenile offenders in the State of Oregon.

SEC. 11. Whenever said State reform school shall be equipped with proper and sufficient buildings to accommodate youth of both sexes, so that a portion thereof may be used for the proper confinement, care and education of the male inmates, and the remaining portion for the proper confinement, care, and education of the female inmates, and to the absolute exclusion of all communication of any kind or character between the sexes, then, and at that time, the board shall make due proclamation of the fact through the public press, and thereafter it shall be the duty of the said board to receive into its care and guardianship all youth between the ages of eight and sixteen years committed to its custody, as hereinafter provided: *Provided further*, That for the time being, boys of the proper age only shall be admitted to the school.

SEC. 12. Whenever any boy or girl between the ages of eight and sixteen years is convicted before any court of competent jurisdiction of any crime which committed by an adult would be punishable by imprisonment in the county jail or penitentiary, such juvenile offender shall be committed by the order of said court to said State reform school for a term of not less than one nor more than thirteen years: *Provided*, That when the crime for which such conviction is had is punishable by imprisonment in the county jail, the court may, in the exercise of its discretion, commit said offender to the county jail for the time authorized by law for the pun-



ishment of the offense for which the offender is convicted: *And provided further*, That nothing in this act shall be construed to debar any court from punishing any capital offense, or attempting to commit a capital offense, in such manner as is or may be provided by law: *Provided further*, That any court of record in this State shall have jurisdiction in committing boys and girls to the reform school, and shall have authority to make such commitments out of session as well as in session.

SEC. 13. If any accusation of the commission of any crime shall be made against any youth under the age of sixteen years before any grand jury, and the charge appears to be supported by evidence sufficient to put the accused upon trial, the grand jury may, in their discretion, instead of finding an indictment against the accused, return to the court that it appears to them that the accused is a suitable person to be committed to the care and guardianship of said reform school. The court may thereupon order such commitment, if satisfied from the evidence that such commitment ought to be made, which examination may be waived by the parent or guardian of such youth.

SEC. 14. If any youth between the ages of eight and sixteen years shall be arraigned for trial in any court having competent jurisdiction, on a charge of any violation of any criminal law of this State, except for the commission of a capital offense, or an attempt to commit a capital offense, the judge may, in his discretion, with the consent of the accused, arrest at any stage of the cause any further proceedings on the part of the prosecution, and commit the accused to the care and guardianship of this institution.

SEC. 15. All youth between the ages of eight and sixteen years who may be accused of any offense punishable by imprisonment shall, with a view to the question whether they ought to be committed to said institution, be entitled to a private examination and trial before a court having competent jurisdiction, to which only the parties to the case and the parents or guardian of the accused and their attorneys shall be admitted, unless one of the parents, the guardian, or other legal representative of the said youth demand a pub-

lic trial; in such case the proceedings shall be in the usual manner.

SEC. 16. It shall be lawful for said board of trustees, under such rules as they may prescribe, to receive into the care and guardianship of this institution, whenever it may be proper so to do, of youth between the ages of eight and sixteen years committed to its custody in any of the following modes:

First. Youth committed by any judge of a circuit court of this State on the complaint in writing filed, and due proof thereof by the parent or guardian of such youth, that by reason of the incorrigible and vicious conduct such youth have rendered their control beyond the power of such parent or guardian, and made it requisite that from a regard for the future welfare of such youth and for the protection of society that they be placed in such guardianship.

Second. Youth committed by any judge of a circuit court of this State where complaint in writing has been filed, and due proof of the same has been made that such youth are proper subjects for the care and guardianship of such institution, in consequence of vagrancy or of incorrigible or vicious conduct, and that from moral depravity or otherwise the parent or guardian in whose custody they may be, such parent or guardian is incapable or unwilling to exercise the proper care or discipline over such youth.

Third. All youth committed by any judge of a circuit court of this State where complaint in writing has been filed and due proof of the same has been made by the mother or guardian, when the father is dead or has abandoned his family, or is an habitual drunkard, or does not provide for the support of such youth, that such youth are destitute of a suitable home and of adequate means of obtaining an honest living, or are in danger of being brought up to lead an idle and immoral life, and where such mother or guardian is unable to provide the proper support and care for such youth.

Fourth. All youth between the ages of eight and sixteen years of age who are incorrigibly turbulent and immoral, disobedient, insubordinate, vicious, or of extreme depravity, habitual truants from any school in which they are enrolled



as pupils, or who habitually frequent streets and other public places, having no lawful business, employment, or occupation, and who shall be convicted of the same before any police court, recorder's court, justice of the peace, or other inferior court, shall be subject to the provisions of this act, and may be admitted as inmates of this institution, under such rules and regulations as may be prescribed by said board of trustees.

Fifth. In all cities of this State having a duly organized police force, it shall be the absolute duty of such police authorities to assist in the enforcement of this act as occasion may require.

Sixth. In all cities, towns, and villages in this State having no regular police force, it shall be the absolute duty of the school clerk and board of school directors and constables to assist in the enforcement of this act as occasion may require.

SEC. 17. All youth admitted to the school under the provisions of this act may remain as inmates of the same until they shall have attained their majority at the discretion of the board: *Provided*, That said board, by their order, may, at any time after one year's service, discharge a boy or girl from said school as a reward of good conduct in the school and upon satisfactory evidence of reformation: *Provided, further*, That as a reward for good conduct in the school, and upon satisfactory evidence of the same having been furnished by the superintendent, the said board of trustees shall have power to grant a "leave of absence" to all inmates of the institution who shall prove by their diligence and upright behavior that they are entitled to the same: *Provided*, That such "leave of absence" shall be given only upon the condition that such youth shall continue to lead a useful and honorable life, otherwise the board shall have full power to recall all such absentees who may lapse into their former vicious habits.

SEC. 18. Any boy or girl committed to the State reform school shall be there kept, disciplined, instructed, employed and governed until he or she arrives at the age of majority, or is bound out, reformed, or legally discharged under the



direction and discretion of the said board. The binding out or discharge of a boy or girl as reformed, or having arrived at the age of majority, shall be a complete release from all penalties incurred by conviction of the offense for which he or she was committed, except as provided for in section seventeen of this act.

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## OHIO.

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### REVISED STATUTES OF OHIO. GLOGNE. SEVENTH EDITION.

#### VOLUME I. CHAPTER V.

#### INSTITUTION FOR THE DEAF AND DUMB.

SEC. 659. The institution for the education of the deaf and dumb shall be open to receive such deaf mutes, residents of the State, as the trustees and superintendent judge, from reliable information and examination, to be suitable persons to receive instruction, according to the methods therein employed; but no person shall be received under eight years of age, nor remain there longer than ten years; and no person shall be received who is addicted to immoral habits, or has any contagious or offensive disease.

SEC. 661. Shoemaking, printing, and bookbinding shall be carried on and taught at the institution, and such other trades and arts as are found to be adapted to the capacity and wants of the deaf and dumb. \* \* \*

#### CHAPTER VI.

#### INSTITUTION FOR THE BLIND.

SEC. 665. The trustees of the institution for the blind are authorized to receive into the institution such blind and purblind persons, residents of the State, as they and the superintendent are satisfied, from reliable information and examination, are persons suitable in age and mental capacity to receive instructions by the methods therein pursued; but no person shall be received who is addicted to immoral prac-

tices or afflicted with any contagious or offensive disease;  
\* \* \*

SEC. 666. Those admitted as regular pupils must be at least six years of age, and none can be admitted under eight years of age, except for special reasons: \* \* \*

REVISED STATUTES OF OHIO. SEVENTH EDITION.

CHAPTER XI.

BOYS' INDUSTRIAL SCHOOL.

SEC. 752. The boys' industrial school, situate in Fairfield county, has for its object the reformation of those committed to its charge; and all youth committed thereto shall be committed until they arrive at full age, unless sooner reformed: *Provided*, That the judge of the court sentencing such youth may order their discharge whenever he is satisfied by a reëxamination of the facts connected with the arrest, conviction and detention of the person confined, due notice of the time and place of such rehearing having first been given by the court to the superintendent of the boys' industrial school, that the future welfare of such youth and the interest of society will not be endangered thereby. (February 23d, 1886; 83 v. 6.)

SEC. 753. Male youth not over sixteen nor under ten years of age may be committed to the boys' industrial school by any judge of a police court, judge of the common pleas court or probate court, on conviction of any offense against the laws of the State. (February 23d, 1886; 83 v. 7.)

SEC. 754. Any such youth convicted of any crime or offense, the punishment of which is, in whole or in part, confinement in the jail or penitentiary, may, at the discretion of the court giving sentence, in lieu of being sent to the jail or penitentiary, be committed to the boys' industrial school. (February 23d, 1886; 83 v. 7.)

SEC. 755. And such youth against whom a crime is charged before a grand jury, if the charge is supported by sufficient evidence to put him on trial, may, on the recommendation of the grand jury and without presenting an in-

dictment, be committed by the court to the reform school. (75 v. 60, Sec. 10.)

SEC. 760. The inmates of the boys' industrial school shall receive such education and shall be instructed in such branches of industry, agricultural or mechanical or otherwise as the board, from time to time, determines, the reformation of such inmates and preparation for usefulness being kept in view in the administration of the institution; and for this purpose the board may introduce and carry on any branches of industry that are thought to be conducive to these ends. (February 23d, 1886; 83 v. 7.)

SEC. 761. The governor may, upon the written application of the superintendent of the boys' industrial school, or when it otherwise is made to appear to him that it is expedient, cause any juvenile offender confined in the penitentiary or in any house of refuge to be transferred to the boys' industrial school, the expense of such removal to be paid by the State; and any person so removed from the penitentiary or sentenced to the penitentiary shall, while at the boys' industrial school, be governed by the same rules and regulations, relative to deportment and discharge, as other persons committed to such institutions; and the governor may, for satisfactory reasons, remand to the penitentiary offenders so transferred to the boys' industrial school, to serve out whatever there remains of the period covered by the sentence. (February 23d, 1886; 83 v. 7.)

## CHAPTER XII.

### GIRLS' INDUSTRIAL HOME.

SEC. 765. The girls' industrial home shall be for the instruction, employment and reformation of evil-disposed, incorrigible and vicious girls.

SEC. 772. A girl under the age of sixteen years, sentenced to imprisonment in the penitentiary, may, before the expiration of the time for which she is sentenced, be removed, on the warrant of the governor, at the expense of the State, to the industrial home, when it is made to appear to him that such removal will conduce to her reformation and not be prejudicial to society.



SEC. 773. A girl, duly committed to the home, shall be kept there, disciplined, instructed, employed and governed under the direction of the trustees, until she is either reformed and discharged or bound out by them, according to their by-laws, or has attained the age of eighteen years; but the trustees, with the approval of the governor, after a full statement of the cause, shall have the right to discharge and return to the parents, guardian or probate judge of the county from which she was committed, who may place her under the care of the infirmity directors of said county, any girl, who, in their judgment, ought for any cause to be removed from the home, and in such case the trustees shall enter upon their record the reason for her discharge, a copy of which record, signed by their secretary, shall be forthwith transmitted to the probate judge of the county from which the girl was committed; but the superintendent may, with the approval of the full board of trustees, receive back into the home any girl under twenty-one years of age, who may have been discharged from said home, when the best interests of said girl demand it.

SEC. 775. The trustees may bind out, as an apprentice or servant, any girl committed to their charge, for a term not longer than until she arrives at the age of eighteen years, and the person to whom the girl is bound shall, by the terms of the indenture, be required to report to the trustees as often as once in six months, her conduct and behavior, and whether she is living under his care, and if not, where she is.

SEC. 776. A person receiving an apprentice under the provisions of the last section shall not assign or transfer the indenture of apprenticeship, nor let out her services for any period without the consent in writing of the trustees; if the person, for any cause, desires to be relieved from the contract, the trustees, upon application, may cancel the indenture and resume the charge and management of the girl and have the same power and authority over her as before the indenture was made.

SEC. 777. If the person is guilty of cruelty or ill treatment toward the girl so bound to service, or any violation of the terms of the indenture, she or the trustees may make

complaint to the probate judge of the proper county, who shall summon the parties before him and examine into the complaint, and if it appears to be well founded, he shall, by certificate, discharge her from all obligations of future service and restore her to the home, to be managed as before her indenture.

SEC. 778. The trustees shall be the guardians of every girl so bound or held to service, and shall take care that the terms of the contract are faithfully fulfilled, and that she is properly treated, and shall cause any grievance to be redressed.

SEC. 779. The superintendent, with such subordinate officers as the trustees appoint, shall have the general charge and custody of the girls; he shall be a constant resident at the home, and, under the direction of the trustees, shall discipline, govern, instruct and employ, and use his best endeavors to reform the girls, in such manner as shall, while preserving their health and promoting the proper development of their physical system, secure the formation, as far as possible, of moral and industrious habits, and regular, thorough progress and improvement in their studies, trades and employments.

#### HOUSE OF REFUGE.

SEC. 2031. The council of any city or village shall have power to establish, erect and maintain houses of refuge and correction, and for such purpose may acquire, hold and possess lands outside of the limits of the corporation as well as within the limits.

SEC. 2050. The board may, at its discretion, receive into such institution infants under the age of sixteen years, committed to their custody in either of the following modes, to wit:

1. Infants committed by the mayor of the corporation, or any judge or justice of the peace of the county, on complaint and due proof by the parent, guardian or next friend of such infant that, by reason of incorrigible or vicious conduct, such infant has rendered his control beyond the power of such parent, guardian or next friend, and made it manifestly requisite that, from regard to the future welfare of such infant, and



for the protection of society, he should be placed under the guardianship of the board of directors of such house of refuge and correction.

2. Infants committed by the authorities aforesaid, where complaint and due proof have been made that such infant is a proper subject for the guardianship of the directors of such institution, in consequence of vagrancy, or of incorrigible or vicious conduct, and that, from the moral depravity of the parent, guardian or next friend, in whose custody such infant may be, or other cause, such parent, guardian or next friend is incapable or unwilling to exercise the proper care and discipline over such incorrigible or vicious infant.

3. Infants who are without a suitable home and adequate means of obtaining an honest living, or who are in danger of being brought up to lead an idle or immoral life, may be committed to the guardianship of the directors of such institution, by the trustees of any township within the county in which such institution is situated, or by the mother, when the father is dead, or has abandoned his family, or does not provide for their support, or is an habitual drunkard.

SEC. 2051. An infant under the age of sixteen years, convicted of a misdemeanor, or an offense punishable by imprisonment under an ordinance of the city, or who has been ordered to be committed as prescribed in the last section, may be confined in such house of refuge and correction, under such rules and regulations as the directors may prescribe; and the directors shall receive and take charge of any children committed to their custody by any court or officer, under a law of the State.

SEC. 2053. Any infant under the age of sixteen years, who may be liable to confinement in the jail in any county in which a house of refuge and correction is situated, or in the penitentiary of the State from such county, or at the reform farm, may, at the discretion of the court or magistrate giving sentence, be placed in such institution until of legal age, under the exclusive control and guardianship of the directors thereof.

SEC. 2054. If accusation of the commission of a crime is made against an infant under the age of sixteen years be-



fore the grand jury of the county in which such house of refuge and correction is situated, and the charge appears to be supported by evidence sufficient to put the accused upon trial, the grand jury may, in its discretion, instead of finding an indictment against the accused, return to the court that it appears to them that the accused is a suitable person to be committed to the guardianship of the directors of the house of refuge and correction, and the court shall thereupon, on notice to the minor, and an opportunity to be heard, but without a jury, order such commitment.

SEC. 2055. If an infant under the age of sixteen years be arraigned for trial in a court having criminal jurisdiction in a county in which a house of refuge and correction is situated, on charge of violation of any criminal law of this State or ordinance of the corporation, the judge may, with the consent of the accused, arrest, at any stage of the cause, further proceedings upon the part of the prosecution and commit the accused to the guardianship of the directors of such institution.

SEC. 2061. No commitment of an infant to a house of refuge and correction shall be for a shorter period than until such infant shall be reformed or attain the age of majority, except in case of infants committed to await their trial, or as witnesses, and except in such cases as the board may, by its general rules, provide; but any infant, by whomsoever or for whatever cause committed, may at any time be discharged upon order of the board, duly entered upon its minutes, or may by order of the said board, duly entered upon its minutes, be permitted to leave such institution until directed to return thereto by said board, or the superintendent of such house; but said permission shall not in any way be construed to be a discharge from the said house and from the guardianship of the board of directors thereof.

#### REVISED STATUTES OF OHIO.

SEC. 7800. \* \* \* It shall not be lawful to keep or maintain in any county infirmary in this State, unless separated from the adult paupers therein, any child or children entitled to admission into a children's home, except such as

are imbecile, idiotic or insane; and the board of commissioners of any county in the State, where such home has not already been provided, may make temporary provisions for such children by transferring them to the nearest children's home where they can be received and kept at the expense of the county, or by leasing suitable premises for that purpose, which shall be furnished, provided and managed in all respects as now provided by law for the support and management of children's homes in the State of Ohio: *Provided*, Or the commissioners may provide for the care and support of such children within their respective counties, in the manner deemed best for the interest of the children, and in such county when the levy allowed by law for the poor fund is not sufficient to maintain the children as hereinbefore provided, the commissioners may levy an additional tax, which shall be used for that purpose only: *Provided, further*, That in counties where the children are kept in infirmaries as a children's home, the infirmary directors and superintendent shall perform the same duties and have the same powers now conferred upon trustees and superintendents of children's homes by sections 931, 932 and 933 of the Revised Statutes, as amended March 29th, 1885; March 27th, 1884, and February 26th, 1885. (As amended May 4th, 1885; 82 v. 249.)

SEC. 7801. All children indentured or placed in charge of any person, as provided for in section two of this act, shall be reported to the board of county visitors (where such board exists) of the county in which they reside, and it shall be the duty of such board, by one or more of its members, to visit such children, as far as practicable, at least once in a year, and inquire into the management, condition and treatment of such children, and for that purpose may have private interviews with such children at any time; and if it shall come to the knowledge of such board of visitors that any child thus placed in charge of any person, as aforesaid, is neglected, abused or improperly treated by the person having such child in charge, or that the person holding the child is unfit to have the care thereof, they shall report the fact to the officers of the institution by which such child is indentured, and such officers shall cancel the contract and cause the child to be



returned to the institution from which he or she was taken, or indentured to some other person, or to be discharged, in the discretion of such officers; in all contracts or indentures for binding out children from any State or county institution, the officers making the same shall expressly secure the right to cancel the contract whenever, in their judgment, the interests of the child are not properly cared for: *Provided, further,* That nothing contained in this bill (act) shall be considered as applicable to private charitable asylums for the care, protection and training of children that have their own methods for the visitation of indentured or adopted children.

#### CHILDREN'S HOMES.

SEC. 7802. *Be it enacted by the General Assembly of the State of Ohio,* That when any person has heretofore, by his or her last will and testament, provided for, or shall hereafter provide for the tender of his or her estate, or any part thereof, to any county of this State for the purpose of providing for the erection and endowment of an asylum where poor white children, who have lost one or both of their parents, may be educated, and, if necessary, be supported during their minority on the condition that said county accept said devise, subject to the trusts mentioned in said will, the principal to be kept sacred, and the net income thereof, together with a like sum to be furnished by said county, to be annually applied to the support and maintenance of such an institution, it shall be lawful for the commissioners of any county to accept the same and to proceed to carry out the said will.

SEC. 7806. That if prior to the tender of any such bequest to any such county, the commissioners thereof shall have erected or commenced the erection of any building for a "Children's Home" under any other law of this State, they may appropriate the same to the purposes of such an institution as is contemplated in this act.

SEC. 7807. That all the inmates of said institution who have been neglected or abandoned as aforesaid, or who have been, by the parent or parents or guardian of said person, voluntarily surrendered to the trustees of such institution, in all such cases the said trustees shall have the sole and ex-



clusive guardianship and control of such children during their stay in said home, and until they shall arrive at the age of sixteen years; and the said trustees shall also have power to discharge any of the inmates of said home, when, in their judgment, said inmate has become an unsuitable person for such home, and such person, when so discharged, shall resume the same power and authority as they originally possessed: *Provided*, That said trustees may, in their discretion, return any of the inmates of said home to the parents or guardian of such inmates when they believe said inmates are capable of earning and providing for themselves, or their parents or guardians for them.

SEC. 7808. Then it shall be the duty of said board of trustees to seek suitable homes for all such children so committed, and indenture the same to such persons as may be willing to rear the same; also to cause such children to be adopted by parties willing to adopt such children: *Provided*, That the person to whom such child is indentured or by whom such child is adopted, is deemed by said board of trustees a suitable person, and the said superintendent shall enter into a book, to be provided him by the commissioners of such county, the date when any of the inmates of said institution shall be indentured or adopted, the name and age of such inmate, the name and place of residence of the person to whom indentured or by whom adopted; and if indentured, a substantial statement of the conditions of such indentures, which said book shall be at all times open for inspection to any person interested in any of the inmates of such institution.

#### HOMES OF THE FRIENDLESS.

SEC. 7843. Whenever any girl above the age of seven and under the age of sixteen years shall be brought by any constable, or police officer, or other inhabitant of the county, before the probate court of said county, upon the allegation or complaint that said girl has committed any offense known to the laws of this State, punishable by fine, or by fine and imprisonment other than imprisonment in the penitentiary, or that she is leading an idle, vagrant or vicious life, or has been found without a home, in a state of want, suffering,

abandonment or beggary, it shall be the duty of said probate court to forthwith issue an order in writing, addressed to the father, mother or guardian or next friend, as the case may be, of such girl, if such father, mother, guardian or next friend be resident of or within said county, requiring such father, mother, guardian or next friend, as the case may be, to appear before said court, at a time and place therein to be named, to show cause, if any there be, why said girl should not be committed to the home established in such county under this act, and upon the appearance of said party, or failure to appear at the time and place named in such order, said court shall proceed to hear such party, and such testimony as shall be offered; and should it appear to the satisfaction of said court that said girl is a suitable subject for the said home, said court may commit said girl to the same, and for that purpose the said court shall issue its order to the sheriff of the county, or to some suitable person to be named in such order, commanding him to take charge of said girl, and to deliver her without delay to the superintendent of said home; \* \* \*

SEC. 7844. Any girl duly committed to said home shall there be kept, disciplined, instructed, employed and governed under the direction of the said board of trustees until she be either reformed and discharged, or shall be bound out by said trustees, according to their by-laws, or shall have attained the age of eighteen years: *Provided*, That the trustees shall have the right to discharge and return to the parents, guardian or protector any girl who, in their judgment, ought to be removed for any cause from said home, and in such case the trustees shall enter upon their records the reasons for her discharge, a copy of which record, signed by their secretary, shall be forthwith transmitted to the probate judge by whom the girl was committed.

SEC. 7845. Whenever any girl, between the ages of seven and sixteen years, shall be brought before any justice of the peace or police court, or court of criminal jurisdiction, charged with any offense punishable by fine or imprisonment, other than imprisonment in the penitentiary, and, if found guilty, would be a proper subject for commitment to said



## CHILDREN MAY BE BOUND OUT TO CHARITABLE INSTITUTIONS.

SEC. 4. All corporations organized under any general or special law of this Commonwealth, for the purpose of providing homes for friendless or destitute persons or children, shall be, and are hereby authorized to receive such children, upon indenture from the guardians, overseers or directors of the poor of any municipality, and also to bind out and provide suitable homes for all children committed to their charge, when maintenance is unprovided for by their parents or guardians.

## DEPARTMENT OF CHARITIES AND CORRECTION. DUTIES OF THE PRESIDENT AND DIRECTORS OF DEPARTMENT.

SEC. 10. The department of charities and correction shall be under the charge of a president, who shall be the head thereof, and four directors, to which department shall be confided the care, management, administration and supervision of the charities, almshouses, hospitals, houses of correction, and all other similar institutions, the control or government of which is intrusted to the city. \* \* \*

## MINORS CONVICTED OF CRIME MAY BE COMMIT- TED TO CHARITABLE INSTITUTIONS.

SEC. 136. It shall be lawful for any justice of the peace, magistrate or judge of any court, to commit minors to any society duly incorporated, having for one of its objects the protection of children from cruelty, or the placing of children not otherwise provided for in families, upon complaint and due proof made of facts such as are set forth in the first section of this act, after the said minors have been duly convicted of any criminal offense.

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## PROVISIONS FOR EDUCATION OF INDIGENT DEAF MUTES.

SECTION 1. The governor be, and he is hereby, authorized and required to draw his warrant on the treasurer of the



commit infants to the care and guardianship of boards of directors of houses of refuge, or to the board of commissioners for reform schools, shall have the same power to commit such infants to the care and guardianship of the board of directors of any house of refuge and correction in the State of Ohio, organized and erected by a municipal corporation with which the State of Ohio shall have made arrangements for the custody and care of such infants, that they now have to commit such youth either to the custody of the board of commissioners of reform schools or the directors of any house of refuge whether such house of refuge and correction be located within the county where such commitment is made or not: *Provided*, That all youths committed to any house of refuge under the provisions of this act who shall be, or whose parents or guardians shall be, at the time of such commitment, resident of any city or municipal corporation where such house of refuge is located, shall be kept and maintained at the expense of such city or municipal corporation.

SEC. 7867. It shall be lawful for the board of directors of any house of refuge and correction situate in any municipal corporation, with which the State of Ohio shall have made arrangements for the custody and guardianship of infants under the age of sixteen years, as provided in the preceding section, to receive into their care and guardianship all such infants committed to their custody.

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## PENNSYLVANIA.

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### LAWS OF PENNSYLVANIA, 1700 to 1894.

#### OF THE BINDING OUT OF POOR CHILDREN.

SEC. 3. It shall be lawful for the overseers of every district with the approbation and consent of two or more magistrates of the same county to put out as apprentices all poor children whose parents are dead, or by the said magistrate found to be unable to maintain them so as that the time or term of years of such apprenticeship, if a male, do expire at or before the age of twenty-one years, and if a female, at or before the age of eighteen years.

## CHILDREN MAY BE BOUND OUT TO CHARITABLE INSTITUTIONS.

SEC. 4. All corporations organized under any general or special law of this Commonwealth, for the purpose of providing homes for friendless or destitute persons or children, shall be, and are hereby authorized to receive such children, upon indenture from the guardians, overseers or directors of the poor of any municipality, and also to bind out and provide suitable homes for all children committed to their charge, when maintenance is unprovided for by their parents or guardians.

## DEPARTMENT OF CHARITIES AND CORRECTION. DUTIES OF THE PRESIDENT AND DIRECTORS OF DEPARTMENT.

SEC. 10. The department of charities and correction shall be under the charge of a president, who shall be the head thereof, and four directors, to which department shall be confided the care, management, administration and supervision of the charities, almshouses, hospitals, houses of correction, and all other similar institutions, the control or government of which is intrusted to the city. \* \* \*

## MINORS CONVICTED OF CRIME MAY BE COMMITTED TO CHARITABLE INSTITUTIONS.

SEC. 136. It shall be lawful for any justice of the peace, magistrate or judge of any court, to commit minors to any society duly incorporated, having for one of its objects the protection of children from cruelty, or the placing of children not otherwise provided for in families, upon complaint and due proof made of facts such as are set forth in the first section of this act, after the said minors have been duly convicted of any criminal offense.

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## PROVISIONS FOR EDUCATION OF INDIGENT DEAF MUTES.

SECTION 1. The governor be, and he is hereby, authorized and required to draw his warrant on the treasurer of the



Commonwealth in favor of the president of the Pennsylvania Institution for the Deaf and Dumb, for the sum of one hundred and sixty dollars per annum for every indigent deaf mute of this Commonwealth, taught at said institution, one-half of which said sum shall be paid at the expiration of six months, and the other half thereof at the end of the year: *Provided*, That no pupil shall be educated at the expense of the Commonwealth under the age of ten years, nor over the age of twenty years, or for a longer period than six years.

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#### INDIGENT CHILDREN FROM ANY PART OF THE STATE TO BE ADMITTED.

SEC. 2. Indigent children residing anywhere within the State shall be received into the school and asylum, maintained and educated gratuitously, so far as the funds of the institution will admit. \* \* \*

#### SCHOOL FOR DEAF MUTES MAY BE ESTABLISHED.

SEC. 7. The board of school directors of any school district within this Commonwealth having a population of more than twenty thousand inhabitants, and having within the limits of the city or township in which said school district shall be, eight or more deaf-mute children of proper age for attending school, are hereby authorized to open and maintain a special school for the education and training of such deaf mutes, either in sign language or in articulation, as to such board of directors shall seem best for such children.

#### WHAT CHILDREN MAY BE SENT—EXPENSE LIMITED.

SEC. 8. Any such school so organized by any such board of school directors shall be a part of the common school system of such school district, and shall be under the control of such board of school directors in the same manner as the other schools in said district: *Provided*, That deaf-mute children may be sent from any school district in the county in which such school shall be established, upon payment by such



district to the treasurer of the school board by which such school shall be maintained, its proportionate share of the expense of maintaining said school: *And provided further*, That the expense of educating said deaf-mute children in such school shall not exceed the sum of one hundred and fifty dollars for each child during any one year.

HOUSE OF CORRECTION, EMPLOYMENT AND  
REFORMATION FOR ADULTS AND MINORS  
IN THE CITY OF PHILADELPHIA—PERSONS  
WHO MAY BE ADMITTED—TIME OF COMMIT-  
MENT.

SEC. 3. The managers of the house of correction, employment and reformation, or any one of them, may commit thereto any and all persons who are willing to be so committed; and the mayor (and recorder of the city of Philadelphia), the inspectors of the county prison, and all committing magistrates in the city and county of Philadelphia may, and they are hereby authorized to commit to said house of correction, employment and reformation, for any period of time not less than three, nor more than twelve months, all or any person or persons who, under existing laws, are liable to be committed to places of confinement, who shall apply to them for such purpose; all persons, adults or minors that may hereafter be convicted, according to the existing laws of this Commonwealth, before the mayor (or recorder) or any alderman of the city of Philadelphia, as a vagrant, drunkard or disorderly street-walker, shall be sentenced to suffer confinement in the said house of correction, employment or reformation for the terms hereinafter mentioned, and to be fed, clothed and treated in the manner hereinafter mentioned; and any minors not under sixteen years of age, except by permission of the board of managers, absenting themselves from school, or who shall disobey their parents' command, or be found idle in the streets, may be arrested upon the complaint of the parents of said minor, or upon the complaint of any citizen, and after the examination of the case, if the mayor (recorder) or magistrate shall deem the charges sustained, he shall commit said minor to the house of correction,

employment and reformation, for such length of time as he may regard proper: *Provided*, That the time of incarceration for a boy shall not exceed his maturity, twenty-one years of age, nor a girl beyond the age of eighteen years, except in cases where a commitment for the time heretofore named, of not less than three months, nor more than twelve months, would exceed the ages specified; and managers shall have power, in their discretion, to place the said children committed to their care during the time of commitment of the said children at such employments, and cause them to be instructed in such branches of useful knowledge as may be suited to their years and capacities, and to place them at such work as they may be able to do, and to bind them out to such tradesmen or employers as may offer to receive them until the expiration of their commitment, under such regulations and conditions as the managers may agree upon.

#### MAGISTRATES MAY CAUSE ARREST OF DISORDERLY MINORS.

SEC. 5. Upon complaint made on oath to any police magistrate or justice of the peace against any child within the city of Philadelphia, not under the age of sixteen, by his or her parent or guardian, or other person standing to him or her in place of a parent, as being disorderly, such magistrate or justice shall issue his warrant for the apprehension of the offender, and cause him or her to be brought before himself or any other police magistrate or justice for examination.

#### EMPLOYMENT OF INMATES.

SEC. 7. Every person in the custody of the said board of managers not disqualified by sickness or casualty, shall be employed by the superintendent in quarrying stone, cultivating the ground, manufacturing such articles as may be needed for the prison, almshouse (or) other public institution of the State or city, or for other persons, and at such other labor as shall, upon trial, be found to be profitable to the institution and suitable to its proper discipline and to the health



and capacities of the inmates; and the superintendent may detail such numbers of the inmates as he may regard proper to do the work, outside of grounds of the institution, for any of the departments or institutions of the city, or for such other persons as may be approved by the board of managers.

#### HOUSES OF REFUGE—HOUSE OF REFUGE ESTABLISHED.

SECTION 1. The board of managers shall provide a suitable building as a house of refuge in the city or county of Philadelphia, and establish such regulations respecting the religious and moral education, training, employment, discipline and safe keeping of its inhabitants, as may be deemed expedient and proper.

#### CHILDREN CONVICTED OF CRIMINAL OFFENSES IN PHILADELPHIA TO BE RECEIVED.

SEC. 2. The said managers shall, at their discretion, receive into the said house of refuge such children who shall be taken up or committed as vagrants, or upon any criminal charge, or duly convicted of criminal offenses, as may be, in the judgment of the court of oyer and terminer, or of the court of quarter sessions of the peace of the county \* \* \* of Philadelphia \* \* \* be deemed proper objects; and the said managers of the house of refuge shall have power to place the said children committed to their care during the minority of the said children at such employments, and cause them to be instructed in such branches of useful knowledge as may be suitable to their years and capacities; and they shall have power, in their discretion, to bind out the said children, with their consent, as apprentices during their minority, to such persons and at such places to learn such proper trades and employments, as in their judgment will be most conducive to the reformation and amendment, and will tend to the future benefit and advantage of such children: *Provided*, That the charge and power of the said managers upon and over the said children shall not extend, in the case of females, beyond the age of eighteen years. (1826, March 23d; P. L. 133, Section 6.)



### REQUISITES FOR ADMISSION.

SEC. 3. In lieu of the manner prescribed by the sixth section of the act to which this is a supplement, it shall be lawful for the managers of the house of refuge, at their discretion, to receive into their care and guardianship infants, males under the age of twenty-one years, and females under the age of eighteen years, committed to their custody in either of the following modes, viz.:

1. Infants committed by an alderman or justice of the peace, on the complaint and the proof made to him by the parent, guardian or next friend of such infant, that, by reason of incorrigible or vicious conduct, such infant has rendered his or her control beyond the power of such parent, guardian or next friend, and made it manifestly requisite that, from regard for the morals and future welfare of such infant, he or she should be placed under the guardianship of the managers of the house of refuge.

2. Infants committed by the authority aforesaid, where complaint and due proof have been made that such infant is a proper subject for the guardianship of the managers of the house of refuge in consequence of vagrancy, or of incorrigible or vicious conduct, and that from the moral depravity or otherwise, of the parent or next friend in whose custody such infant may be, such parent or next friend is incapable or unwilling to exercise the proper care and discipline over such incorrigible or vicious infant.

3. Infants committed by the courts of this Commonwealth, in the mode provided in the act to which this is a supplement.

### COLORED CONVICTS UNDER TWENTY-ONE.

SEC. 6. It shall and may be lawful for the inspectors of the prisons of the county of Philadelphia, under the direction of the court of quarter sessions, to transfer and deliver to the managers of the colored house of refuge of the city and county of Philadelphia, with their assent, any colored convicts under the age of twenty-one committed to said prison; and when so transferred they shall be dealt with as other minors committed and delivered to the said managers.

## MANAGEMENT, DISCIPLINE AND ANNUAL REPORTS.

SEC. 9. The said managers of the house of refuge under this act may from time to time make by-laws, ordinances and regulations relative to the management, government, instruction, discipline, employment and disposition of the said children while in the said house of refuge, not contrary to law, as they may deem proper; and may appoint such officers, agents and servants as they may deem necessary to transact the business of the said corporation, and may designate their duties; and further, the said managers shall make annual report to the legislature of this Commonwealth, of the number of children received by them into the said house of refuge, the disposition which shall be made of the said children by instructing or employing them in the said house of refuge, or by binding them out as apprentices, the receipts and expenditures of the said managers, and generally all such facts and particulars as may tend to exhibit the effects, whether beneficial or otherwise, of the said association; and the right to alter, amend or repeal this act is hereby reserved on the part of the Commonwealth.

## WESTERN HOUSE OF REFUGE ESTABLISHED.

SEC. 16. The board of managers shall provide a suitable building as a house of refuge in the city of Pittsburg, the county of Allegheny or the county of Westmoreland; and establish such regulations respecting the religious and moral education, training, employment, discipline and safe keeping of its inhabitants, as may be deemed expedient and proper.

## REQUISITES FOR ADMISSION.

SEC. 17. It shall be lawful for the board of managers of said house of refuge, at their discretion, to receive into their care and guardianship infants, males under the age of twenty-one years, and females under the age of twenty-one years committed to their custody, in either of the following modes, to wit.:

1. Infants committed by an alderman or justice of the peace, on the complaint, and due proof made thereof, by the



parent, guardian or next friend of such infant that, by reason of incorrigible or vicious conduct such infant has rendered his or her control beyond the power of such parent, guardian or next friend, and made it manifestly requisite that, from regard to the morals and future welfare of such infant, he or she should be placed under the guardianship of the managers of the said house of refuge.

2. Infants committed by the authority aforesaid, where complaint and due proof have been made that such infant is a proper subject for the guardianship of the managers of the said house of refuge in consequence of vagrancy, or of incorrigible or vicious conduct, and that from the moral depravity or otherwise of the parent or guardian, or next friend in whose custody such infant may be, such parent, guardian or next friend is incapable or unwilling to exercise the proper care and discipline over such incorrigible or vicious infant.

3. Infants who shall be taken or committed as vagrants, or upon any criminal charge, or duly convicted of criminal offenses, as may, in the judgment of the court of oyer and terminer, or of the court of quarter sessions of the peace of any county within the western district; and the said managers shall have power to place the said children committed to their care during their minority at such employment, and cause them to be instructed in such branches of useful knowledge as may be suitable to their years and capacities; and they shall have power, at their discretion, to bind out the said children, with their consent, as apprentices during their minority to such persons and at such places to learn such proper trades and employments as in their judgment shall be most conducive to the reformation and amendment, and will tend to the future benefit and advantage of such children.

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## INDUSTRIAL REFORMATORY TO BE ERECTED.

SECTION I. A State industrial reformatory shall be constructed and erected on the property of the State, located in the county of Huntingdon, and which was purchased by the State for the purpose of a penitentiary, under the provisions of the act to which this is a supplement.



## MALE CRIMINALS TO BE RECEIVED.

SEC. 7. The said board of managers shall receive and take into said reformatory all male criminals between the ages of fifteen and twenty-five, and not known to have been previously sentenced to a penitentiary or State prison in this or any other State, who shall be legally sentenced to said reformatory on conviction of any criminal offense in any court having jurisdiction thereof; and any such court may, in its discretion, sentence to said reformatory any such male person convicted of a crime punishable by the laws of the State by imprisonment in the penitentiary, between the ages of fifteen and twenty-five as aforesaid; the discipline to be observed in said reformatory shall be such as is best calculated to promote and encourage the reformation of the prisoners therein confined, and the board of managers shall have power to use such means of reformation consistent with the improvement of those confined therein, as they may deem expedient.

## SYSTEM OF DISCIPLINE.

SEC. 19. As the aim and purposes of the industrial reformatory is to prevent young first offenders against the laws of the State from becoming criminals, and to subject them while in custody in this reformatory to such remedial, preventive treatment, training and instruction as may make them honest, reputable citizens, the board of managers is authorized and hereby empowered to establish by rules and regulations governing the superintendent and other officers, such a system of discipline for the inmates as will secure to each instruction in the rudiments of an English education, and in such manual, handicraft, skilled vocations as may be useful to each of the inmates after his discharge from the reformatory, whereby said person will be able to obtain self-supporting employment. The contract system of labor shall not exist in any form whatever in said reformatory, but the prisoner shall be employed by the Commonwealth. It shall be the duty of said board of managers to maintain such control over all prisoners committed to their custody as shall prevent them from committing crime, best secure their self-support and accomplish their reformation. \* \* \*

MINORS MAY BE ADOPTED WHEN DESERTED BY  
PARENTS.

SEC. 10. Whenever it shall be made to appear to the satisfaction of the court of common pleas of any county that any minor child has been deserted by its parents or surviving parent, and that it has no legal guardian, it shall be lawful for any person desirous of adopting the said child to adopt the same in the manner now provided by law in the case of the death of the parents.

IN CERTAIN CASES MINORS MAY BE COMMITTED  
TO THE CARE OF THE GUARDIANS OF  
THE POOR.

SEC. 12. When the parents or proper guardian of any infant unable to support itself have been convicted of any of the offenses enumerated in this act, or are dead or cannot be found, and there is no other person legally responsible for the maintenance and support of such child willing to assume such support, or to be found within the county, any magistrate or court of record of the county in which such child may be found may commit such child to the care and custody of the guardians of the poor of the said county, but nothing herein contained shall exempt any person from the duty of maintaining and supporting such child, as now imposed by law.

DETENTION OF CHILDREN IN ALMSHOUSE PRO-  
HIBITED.

SEC. 17. It shall not be lawful for the overseers or guardians or directors of the poor in the several counties, cities, boroughs and townships of this Commonwealth to receive into or retain in any almshouse or poor-house any child between two and sixteen years of age for a longer time than sixty days, unless such child be an unteachable idiot, an epileptic or a paralytic, or otherwise so disabled or deformed as to render it incapable of labor or service.

PROVIDING HOMES FOR PAUPER CHILDREN.

SEC. 18. It shall be the duty of said overseers or other persons having charge of the poor, to place all pauper



children who are in their charge, and who are over two years of age (with the exception named in the first section of this act) in some respectable family in this State, or in some educational institution or home for children; and one of the said officers shall visit such children in person or by agent not less than once every six months, and make all needful inquiries as to their treatment and welfare, and shall report thereon to the board of overseers or other officers charged with the care of such children.

#### INDUSTRIAL HOMES.

SEC. 19. It shall be lawful for any county, or for two or more counties in this Commonwealth acting together, to establish and maintain an industrial home for the care and training of children; but such institution or home shall be remote from any almshouse or poor-house, and entirely disconnected from the same, and under separate management from the keeper of the poor-house.

#### CERTAIN CORPORATIONS MAY RECEIVE AND BIND OUT CHILDREN.

SEC. 20. All corporations organized under any general or special law of this Commonwealth, for the purpose of providing homes for friendless or destitute persons or children shall be, and are hereby authorized to receive such children upon indenture from the guardians, overseers or directors of the poor of any municipality, and also to bind out and provide suitable homes for all children committed to their charge, when maintenance is unprovided for by their parents or guardians.

#### TRIAL OF CHILDREN MAY BE SEPARATE FROM THAT OF OTHER CRIMINALS.

SEC. 32. All cases involving the commitment or trial of children for any crime or misdemeanor before any magistrate or justice of the peace or in any court, may be heard and determined by such court at suitable times to be designated therefor by it, separate and apart from the trial of other criminal cases, of which session a separate docket and record shall be kept.



## MINORS MAY BE COMMITTED TO CARE OF SOCIETY AFTER CONVICTION.

SEC. 34. It shall be lawful for any justice of the peace, magistrate or judge of any court to commit minors to any society, duly incorporated, having for one of its objects the protection of children from cruelty, or the placing of children not otherwise provided for in families, upon complaint and due proof made of facts such as are set forth in the first section of this act after the said minors have been duly convicted of any criminal offense.

## SOCIETY MAY SELECT FAMILY WITH WHOM MINOR MAY BE PLACED.

SEC. 37. It shall be the duty of the society to whom a commitment shall be made in accordance with the provisions of the first section of this act, when the minors so committed to it are placed in respectable families, subject to the visitation and supervision of such person as may from time to time be appointed for such purpose by the judges of the court of common pleas for the county in which such commitment shall be made, to select, so far as it may be possible, families of the same religious denomination as that to which the parents of children committed to its care shall belong.

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## PENNSYLVANIA TRAINING SCHOOL.

### OBJECTS—OFFICERS.

SECTION 1. The essential and only object of the said corporation shall be the mental, moral and physical education of the idiotic and feeble-minded children. \* \* \*

### EXTENSION OF TERM.

SEC. 4. In cases where the limitation of seven years' maintenance of indigent inmates as now provided for by law, shall be found inadequate, or where the discharge of the individual may work injury to society, the same may be retained in the institution for an indefinite period, at the discretion of the board of directors and the superintendent of said in-

stitution: *Provided*, The charge of maintenance of this class of persons shall not exceed one hundred dollars per annum, per capita; said money to be derived from the appropriations made biennially for the maintenance and support of beneficiary cases at said institution: *And provided*, All individuals, so continued, shall be registered with the board of public charities.

#### WESTERN PENNSYLVANIA STATE INSTITUTION —APPOINTMENT OF COMMISSIONERS.

SEC. 5. The governor shall appoint five commissioners, who shall serve without compensation, to select a site and build an institution for the accommodation of the feeble-minded children of western Pennsylvania.

#### PURPOSES OF THE INSTITUTION.

SEC. 13. This institution shall be entirely and specially devoted to the reception, detention, care and training of idiotic and feeble-minded children, and shall be so planned in the beginning and construction as shall provide separate classification of the numerous groups embraced under the terms idiotic and imbecile, or feeble-minded. Cases afflicted with either epilepsy or paralysis shall have a due proportion of space and care in the custodial department. It is specifically determined that the processes of an agricultural training shall be primarily considered in the educational department, and that the employment of the inmates in the care and raising of stock, and the cultivation of small fruits, vegetables, roots, et cetera, shall be made largely tributary to the maintenance of the institution.

#### REQUISITES FOR ADMISSION.

SEC. 17. Said board shall receive as inmates of said institution feeble-minded children, residents of this State under the age of twenty years, who shall be incapable of receiving instruction in the common schools of this State.

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other officers and employés of the same, the condition of the buildings, grounds and other property connected therewith, and into all other matters pertaining to their usefulness and good management; and for these purposes they shall have free access to the grounds, buildings, and all books and papers relating to said institutions; and all persons now or hereafter connected with the same are hereby directed and required to give such information and afford such facilities for inspection as the said commissioners may require; and any neglect or refusal on the part of any officer or person connected with such institution to comply with any of the requirements of this act, shall subject the offender to a penalty of one hundred dollars, to be sued for and collected by the general agent in the name of the board.

#### COMMISSIONERS TO VISIT INSTITUTIONS.

SEC. 7. The said commissioners by themselves or their general agent are hereby authorized and required, at least once in each year, to visit all the charitable and correctional institutions of the State receiving State aid, and ascertain whether the moneys appropriated for their aid are or have been economically and judiciously expended; whether the objects of the several institutions are accomplished; whether the laws in relation to them are fully complied with; whether all parts of the State are equally benefited by them, and the various other matters referred to in the fifth section of this act; and in their annual report to the legislature, to embody the result of their investigations, together with such other information and recommendations as they may deem proper.

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#### LAWS OF PENNSYLVANIA, 1895 to 1897.

#### VOLUME III.

#### HOUSE OF DETENTION—PREAMBLES.

SECTION I. WHEREAS, There are annually in the city of Philadelphia about two hundred and sixty juvenile offenders, mostly boys between the ages of eight and sixteen years, committed to the county prison and therein locked in



## TERM OF OFFICE OF GENERAL AGENT AND SECRETARY.

SEC. 5. The general agent and secretary of the board of public charities shall hold his office for three years, unless sooner removed; he shall be a member of the board ex-officio, and it shall be his duty, subject to the control and direction of said board, to keep a correct record of its proceedings, perform such clerical services as it may require, oversee and conduct its outdoor business, visit all charitable and correctional institutions in the State at least once in each year, except as hereinafter provided, and as much oftener as the board may direct, examine the returns of the several cities, counties, wards, boroughs and townships in relation to the support of paupers therein, and in relation to births, deaths and marriages; and he shall prepare a series of interrogatories, with the necessary accompanying blanks, to the several institutions of charity, reform and correction in the State, and to those having charge of the poor in the several counties thereof, or any subdivision of the same, with a view to illustrate, in his annual report, the causes and best treatment of pauperism, crime, disease and insanity; he shall also arrange and publish in his said report all desirable information concerning the industrial and material interests of the Commonwealth bearing upon these subjects, and shall have free access to all reports and returns now required by law to be made; and he may also propose such general investigations as he may think best for the approval of the board. He shall be paid annually the sum of three thousand dollars and his actual traveling expenses.

## POWERS OF COMMISSIONERS.

SEC. 6. The said commissioners shall have full power either by themselves or the general agent, at all times, to look into and examine the condition of all charitable, reformatory or correctional institutions within the State, financially and otherwise, to inquire and examine into their methods of instruction, the government and management of their inmates, the official conduct of trustees, directors and

other officers and employés of the same, the condition of the buildings, grounds and other property connected therewith, and into all other matters pertaining to their usefulness and good management; and for these purposes they shall have free access to the grounds, buildings, and all books and papers relating to said institutions; and all persons now or hereafter connected with the same are hereby directed and required to give such information and afford such facilities for inspection as the said commissioners may require; and any neglect or refusal on the part of any officer or person connected with such institution to comply with any of the requirements of this act, shall subject the offender to a penalty of one hundred dollars, to be sued for and collected by the general agent in the name of the board.

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a felon's cell who receive the stigma of having been imprisoned, many of them for a first and trivial offense, and though fifty per centum are discharged before trial, and twenty-five per centum at the trial by the magistrate, there is a growing desire on the part of the Pennsylvania prison society and many philanthropic people to have established a house of detention for juvenile offenders below sixteen years to be located in the neighborhood of the county prisons; and

WHEREAS, It is very desirable to remove such a stigma on the young offender, and try to reclaim him or her to the better walks of life, and believing that if the object be made known some benevolent persons will combine to make such a house or houses of detention a success speedily; and

WHEREAS, It is thought desirable to purchase some large old-fashioned house that can be remodeled or adapted, or to erect a suitable building or buildings, with the approval of the mayor of the city, the chief of the department of public safety, the president of the board of inspectors of the county prison, and their prison agent, as to location, arrangement of such building and equipment, that said house or houses of detention when fully completed may be transferred free of cost to the city authorities, and cared for in the same manner as the county prisons.

#### BUILDINGS FOR UNTRIED JUVENILE PRISONERS TO BE ERECTED.

SEC. 2. Authority is herein granted to cities of the first class in the State of Pennsylvania or to any reputable society connected with prison work associated with other benevolent donors to purchase, alter or erect a suitable building or buildings to be known as a house or houses of detention for untried juvenile prisoners of both sexes below the age of sixteen years, with convenient capacity for its needs in said cities of the first class.

#### COST OF MAINTENANCE.

SEC. 4. When fully completed for occupancy and transferred free of cost to the city authorities, the cost of maintain-



ing said house or houses of detention shall be provided for in the same manner as the county prisons.

#### WHAT PRISONERS SHALL BE RECEIVED.

SEC. 6. The said board of managers shall receive into said house or houses of detention all untried juveniles of either sex committed thereto under the age of sixteen years (except those charged with murder or arson), and shall retain them until their dismissal by trial and conviction or acquittal.

#### FEEBLE-MINDED CHILDREN.

#### DURATION OF DETENTION IN INSTITUTION.

SECTION 1. That in cases where the limitation of seven years' maintenance of indigent inmates, as now provided for by law shall be found inadequate, or where the discharge of the individual may work injury to society, the same may be retained in the institution for an indefinite period at the discretion of the board of directors and the superintendent of said institution. \* \* \*

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### RHODE ISLAND.

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#### GENERAL LAWS OF RHODE ISLAND, 1896.

#### CHAPTER LXXXV.

#### PROVISION FOR THE EDUCATION OF DEAF, BLIND AND IMBECILE CHILDREN.

SECTION 1. The governor, on recommendation of the State board of education, upon application of the parent or guardian, may appoint any deaf, blind or imbecile child, being a legal resident of this State, who shall appear to said board to be a fit subject for education, as a State beneficiary at any suitable institution or school now established, or that may be established, either within or without the State, for such period as he may determine: *Provided*, That no beneficiary shall receive educational aid for a longer time than ten years;

and the governor shall have the power to revoke any such appointment at any time for cause.

SEC. 2. The board of education are hereby clothed with the duty and responsibility of supervising the education of all such beneficiaries, and no child appointed as above shall be withdrawn from any institution or school except with their consent, or the consent of the governor; and said board shall annually report to the general assembly their doings under this chapter with such further information in relation to the several institutions at which these beneficiaries have been placed as may be deemed desirable.

SEC. 3. The board of education may expend in the purchase of necessary clothing for such beneficiaries a sum not exceeding twenty dollars, in any calendar year, for a single child.

## CHAPTER LXXXVI.

### THE RHODE ISLAND INSTITUTE FOR THE DEAF.

SECTION 1. The governor and lieutenant-governor together with nine citizens of this State, of whom six shall be men and three women, to be appointed as hereinafter provided, shall constitute a board of trustees, in whom shall be vested the management and control of a State institution for the instruction and maintenance of deaf children in accordance with the provisions of this chapter. Such institution shall be known as the Rhode Island Institute for the Deaf.

SEC. 4. Deaf persons between the ages of three and twenty years, and of sufficient capacity for instruction, who are legal residents of the State, shall be entitled to the privilege of the school without charge, and for such period of time in each individual case as may be deemed expedient by the board of trustees; residents of other States may be admitted upon the payment of such rates of board and tuition as may be fixed by the board of trustees. The primary object of the school shall be to furnish to the deaf children of this State, oral instruction, and the best known facilities for the enjoyment of such a share of the benefits of the system of free public education as their afflicted condition will admit of.

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## CHAPTER LXXXVII.

## THE STATE HOME AND SCHOOL FOR CHILDREN.

SECTION 1. The control and maintenance of the State home and school for dependent and neglected children shall continue to be vested in a board of control, to be called the "board of control of the State home and school." Said school shall be known as the State Home and School for Children.

SEC. 2. The said board shall consist of seven persons, four of whom shall be men and three women, and, in addition, of such person as may be secretary of said board. The terms of office of the members of said board shall begin on the first day of July.

SEC. 3. The governor, by and with the advice and consent of the senate, shall appoint the members of said board; other than the secretary; and he shall annually, upon the expiration of the term of office of any of said board, appoint persons to such office in place of those whose terms shall expire, and every person so appointed shall hold his office for three years, unless sooner removed. Every appointment to fill a vacancy shall be for the remainder of the term.

SEC. 4. Said board may appoint a secretary, who shall by virtue of his office be a member of the board; he shall give bond to the State in such sum as the board may require, for the faithful performance of his duties; he shall keep a record of all the doings of said board, and shall perform such other duties as may be by them required. Such secretary shall hold his office during the pleasure of the board.

SEC. 5. No member of the board, except the secretary, shall receive any compensation for his services, but every member shall be paid out of the State treasury his necessary traveling expenses.

SEC. 6. The said board shall establish a system of government for the institution, and shall make all necessary rules and regulations for imparting instruction, and for the proper training of the children. They shall appoint such officers, teachers and employes as shall be necessary, and prescribe their duties and fix their salaries.

SEC. 7. They shall receive, in accordance with rules by



them established, such children as may be declared vagrant, neglected and dependent on the public for support, as provided in this chapter, who are over four and under fourteen years of age, and who are in suitable condition of mind and body to be instructed; for exceptional reasons, children under four years may be received should the board deem it advisable. Any child who shall be found by the board to be of unsound mind, or who may be considered by the board an improper inmate of said institution, shall be forthwith returned by them to the authorities from whom said child was received, who are hereby required to receive the same; and all children admitted shall remain until they are eighteen years of age, unless otherwise ordered by the board.

SEC. 8. It is declared to be the object of this chapter to provide for neglected and dependent children, not recognized as vicious or criminal, such influences as will lead toward an honest, intelligent and self-supporting manhood and womanhood, the State, so far as possible, holding to them the parental relation. But if at any time, in the discretion of the board, this object can be better attained by placing a child in a good family, they shall have the power to do so on condition that its education shall be provided for by such family in the public schools of the town or city where they may reside. The board are hereby made the legal guardians of all the children who may become inmates of the house and school, and charged with the duty of following such children as may be placed in families, with watchful care, and of taking them back to their own immediate supervision if at any time they fail to receive kind and proper treatment and a fair elementary education; and in case any child shall leave without permission, or be taken by any person unauthorized from said institution or from any family where it shall have been placed by said board, then said board is hereby authorized to take and restore said child to said institution or to the family

SEC. 9. It shall be the duty of the superintendents or overseers of the poor in the several towns to, and any agent of the Rhode Island Society for the Prevention of Cruelty to Children may, bring before the courts of probate of such

towns for examination, children supported in poor-houses or otherwise dependent on the public for support, or other children found to be in a state of vagrancy, want, or suffering, or abandoned by their parents or guardians, or not having any home or settled abode or proper guardianship; and thereupon it shall be the duty of the court of probate before whom any such child is brought, to investigate the facts and ascertain if the child is so supported, or is in a state of vagrancy, want, and suffering, or is abandoned by its parents or guardians, or is without home or settled abode or proper guardianship, and also to ascertain its name, age and place of birth, and the names and residences of its parents or guardians, if it have any, and where and for what length of time, if at all, it has been supported at the expense of the town or State; and said courts of probate shall have power to compel attendance of witnesses. The parents or any friend may appear in behalf of any child, and the court of probate in its discretion may request some suitable person to appear in behalf of any child; and if on such examination the court shall find that such child is so supported or dependent, or is in a state of vagrancy, want, and suffering, or is so abandoned, or without home or settled abode or proper guardianship, it shall make a proper order containing a statement of the facts ascertained as to said child, and entrusting said child to the care and custody of the said board, together with a direction to the superintendent or overseer of the poor to take said child to the State home and school, and shall deliver to the superintendent or overseer of the poor, or other person procuring such examination, a certified copy thereof. Such certified copy of such order shall then be delivered with the child at the home and school, to the presiding officer thereof. All expenses attending the foregoing proceedings shall be paid by the town or city in which the child belongs: *Provided*, That children between the ages of four and fourteen supported in the State almshouse may be brought before the probate court of the town of Cranston by the agent of the board of State charities and corrections, and said court is hereby clothed with the same power over such children, and such proceedings may be had, as if they were regularly dom-



iciled in said town; and all expenses incident to the hearings in said cases before said probate court shall be paid by the State, and the State auditor is hereby authorized to draw his orders for the payment of all such bills, when certified by the secretary of the board of control of the State home and school, out of any money in the treasury not otherwise appropriated.

SEC. 10. The board shall provide a book in which shall be registered the names, ages and places of birth of the children under their care; the residence of the parents or guardians as nearly as can be ascertained; the date when each child is received and from what town, and when he leaves the school; and whenever a child is placed in a family, the name, residence and occupation of such family; and such book shall be open at all times for the inspection of the probate clerks and the overseers of the poor of the several cities and towns of the State.

SEC. 11. The said board of control shall annually report to the State board of education, in the month of November, upon the condition of the school, the number of inmates thereof, the expenditures for the year and their estimates for the year ensuing, together with such other matters as may seem desirable; which report shall be included by said State board of education in its annual report to the general assembly.

## CHAPTER CXV.

### OF WRONGS TO CHILDREN.

SECTION 1. Whenever complaint shall be made on oath to the probate judge of any town, or to the president of the town council of any town in which there is no judge of probate, that any minor child, resident or inhabitant in such town under the age of seventeen years, is entirely abandoned, or treated with gross and habitual cruelty by the parent or other person having the care or custody thereof, or that such minor is an habitual sufferer for want of food or clothes by reason of the wrongful neglect of the parent or person having such care or custody, or that such minor is in any manner, being used for wanton, cruel or improper purposes, or is compelled to do wanton and wrongful acts, or whose home is a re-



sort for lewd and wanton persons, or whose health and life are endangered by the occupation in which it is engaged, or is in any manner wrongfully induced, constrained or allowed by such parent or other person having the care or custody of said minor child, to beg, steal, or in any manner wrongfully impose upon others for the benefit of said child, or of the parent or other person having the care or custody of said minor child, said judge or president, if satisfied that there is reasonable cause for such complaint, shall, by due process, directed to such officer or person as may be designated by him, cause said minor child to be produced before the probate court at a time and place designated.

SEC. 2. The probate court to which said process is made returnable, upon hearing said complaint, if satisfied of the truth thereof, shall, by decree, assign the custody of said minor child to the Rhode Island Society for the Prevention of Cruelty to Children, for such period as shall seem fit to said court, and said society shall thereupon become entitled to the custody of said minor child to the exclusion of any other person.

SEC. 3. Said society, under the direction of said court, may deliver said minor child unto the keeping and care of either of the following societies: The Children's Friend Society, the Rhode Island Catholic Orphan Asylum, St. Mary's Orphanage, the Children's Home, Association for the Benefit of Colored Children, Home for Friendless Children in Newport. Whenever any such minor child is over four years of age, said society for the prevention of cruelty to children may deliver such child unto the keeping and care of the superintendent of the State home and school, and whenever such minor child is under four years of age said society may deliver such child unto the keeping and care of the superintendent of State institutions at Cranston, who shall keep such child at the State almshouse, at the expense of the State, until some other provision for its maintenance is made according to law: *Provided, however,* That neither of said societies shall be entitled to the goods and chattels of said minor child. Said court may at any time, for good cause shown, revoke said decree.

CHAPTER CCXC.  
OF THE STATE REFORM SCHOOL.

SECTION 1. There shall continue to be maintained a school for the confinement, instruction and reformation of juvenile offenders and of young persons of idle, vicious or vagrant habits, to be called the State Reform School, divided into two departments, one for boys and one for girls.

SEC. 2. The department for boys shall be called and known as the Sockanosset School for Boys, and any boy hereafter sentenced to the State Reform School shall perform his sentence at the said Sockanosset School for Boys.

SEC. 3. The department for girls shall be called and known as the Oaklawn School for Girls, and any girl hereafter sentenced to the State Reform School shall perform her sentence at the said Oaklawn School for Girls.

SEC. 4. The government of said school shall be vested in the board of state charities and corrections.

SEC. 5. The said board shall take charge of the general interests of the State Reform School; shall see that its affairs are conducted in accordance with law and such rules and regulations as the said board may from time to time adopt for the orderly and economical management of its concerns; shall see that strict discipline is maintained therein; shall provide employment for the inmates, and bind them out, discharge or remand them, to permit them to live at home or elsewhere during the pleasure of said board, subject to their control and authority, as is hereinafter provided; and shall appoint a superintendent for each of said departments of said school and prescribe his or her duties, which superintendents, respectively, shall appoint such other officers as in the judgment of the board the wants of said departments may require, and prescribe their duties, and such superintendent may, at discretion, remove such officers so appointed and appoint others in their stead. The salaries of all officers shall be fixed by the board.

SEC. 6. Said board shall also adopt such rules and regulations as they see fit for their own government and for the government of said institution.



SEC. 7. Said board may, in their discretion, and upon such conditions as they may deem proper to impose, admit into the State Reform School any child above the age of eight years, at the request of the parent or guardian of any such child, and accept of such parent or guardian a surrender in writing of any such child, to the care and direction of the board.

SEC. 8. Said board may, in their discretion, receive into said school all such children under the age of eighteen years and not less than seven years of age as shall be convicted as vagrants or disorderly persons or of criminal offenses before any court in the State.

SEC. 9. Said board may receive into said school children under the age of eighteen years and not less than seven years of age, convicted before any court of the United States within this State of criminal offenses, upon like conditions as if convicted of criminal offenses before any of the courts of this State, and upon such terms as regards payment for the expense of supporting said children as may be agreed upon by the United States and said board.

SEC. 10. Every minor sentenced to said school shall there be kept, disciplined, instructed, employed and governed, under the direction of said board, until he shall be either reformed and discharged, or shall be bound out by said board according to their rules and regulations, or shall be remanded to prison under the sentence of the court as incorrigible, upon information of the board as hereinafter provided, or until he shall be permitted to live at home or elsewhere, subject, however, while so at home or elsewhere, to the control and authority of said board and liable to be returned to said school at any time during his term of sentence, at their pleasure.

SEC. 13. The said board shall cause the minors under their charge to be instructed in the principles of virtue and morality and in such branches of useful knowledge as shall be adapted to their age and capacity. They shall also be instructed in such regular course of labor as shall be best suited to their age and strength and shall seem best adapted to secure the reformation and amendment and future benefit of the



minors, and, in binding out the inmates, the said board shall have scrupulous regard to the moral character of those to whom they are to be bound, to the end that they may secure to the minors the benefit of a good example and wholesome instruction, the means of improvement in virtue and knowledge, and the opportunity of becoming intelligent, moral and useful members of society.

SEC. 15. One or more of the said board shall visit the school at least once in every two weeks.

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## SOUTH DAKOTA.

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### SESSION LAWS, SOUTH DAKOTA, 1890.

#### CHAPTER V.

#### APPOINTMENT MADE BY THE GOVERNOR.

SECTION 1. As soon as practicable after the passage of this act, and before the sixth day of March, 1890, the governor, by and with the consent of the senate, shall appoint five persons, residents of the State, any three of which commissioners shall not reside in the counties in which any of the public institutions of the State are located, who shall constitute a State board of charities and corrections, and the members thereof shall be known as the commissioners of said board.

#### JURISDICTION.

SEC. 2. Said board, when duly organized, shall have control of the penitentiary, insane hospital, school for the deaf and dumb, and the reform school of the State as hereinafter provided.

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#### CHAPTER L.

#### APPOINTMENT PROVIDED FOR—GENERAL PROVISIONS.

SECTION 1. That the governor is hereby authorized and empowered to appoint three women, who shall constitute a committee of investigation for the insane hospital at Yankton, the deaf-mute school and penitentiary at Sioux Falls, and

the Dakota reform school at Plankinton, who are residents of the State of South Dakota, whose duty it shall be to visit, at least twice in each year, each of the above-named charitable and penal institutions of the State of South Dakota, and inquire into and investigate the sanitary condition of each institution, the treatment and care that the inmates of each of the several institutions receive. \* \* \*

## SESSION LAWS, SOUTH DAKOTA, 1895.

### CHAPTER XLIV.

#### PURPOSES.

SECTION 1. Associations may become incorporated to take charge of, and place in family homes, any children surrendered to them by parents or guardians, or delivered to them upon the order of any court of record of this State or by any board of county commissioners or other body having care of the poor.

#### FOR WHOM INCORPORATED.

SEC. 4. Any child who shall be a county charge, or child deserted by its parents, or any orphan, which deserted child or orphan has no suitable home or abode, or any child of any infirm, indigent or incompetent person, supported from the public poor fund, or any child having no suitable home or abode, of any person confined in any penal or charitable institution of this State, or any such child in the possession or under the control of any person not the parent, next of kin or lawful guardian thereof, may, in the proceedings for the appointment of a guardian of the person of such child by any county court of this State, be, by the order of such court, upon the application of any association incorporated under the provisions of this act, surrendered to such association, for the purpose of being placed in a family home under the supervision of such association, if the court shall be satisfied that such proceedings will be for the best interests of such child.



DAKOTA.\*

COMPILED LAWS, DAKOTA, 1887.

ARTICLE II.

SCHOOL FOR DEAF MUTES.

SEC. 266. The object and duty of the board of trustees shall be to continue and maintain the school for the education of the deaf and dumb established and located at Sioux Falls, and to afford to that unfortunate class, so far as possible, enlightened and practical education that may aid them to obtain the means of subsistence, discharge the duties of citizens and secure all the happiness which they are capable of obtaining.

SEC. 269. All deaf and dumb persons, residents of this Territory, over six years of age and under twenty-one years of age capable of receiving instruction, free from contagious or chronic diseases, shall be received and taught free of charge.

ARTICLE III.

INSTITUTION FOR THE BLIND.

SEC. 272. The governor of this Territory is authorized, and it is hereby made his duty, to enter into a contract for not more than five years at one time, with the proper authorities of the States of Iowa, Minnesota or Nebraska, where the most favorable contract can be made, keeping in view economy and the welfare of the patients, to keep, maintain, instruct and educate any blind person who now is or may hereafter become a bona fide resident of the Territory of Dakota.

SEC. 273. After such contract is made, the institution of the State with which such contract is made shall be the institution for the blind of this Territory, the same as though such institution was located within the Territory.

CHAPTER III.

REFORM SCHOOL FOR JUVENILE OFFENDERS.

SEC. 7768. A reform school shall be permanently located at or within two miles of the corporate limits of the

\* This Territory has since been divided into North and South Dakota. Laws for these States will be found on pages 218 and 312.



town of Plankinton, in Aurora county, Dakota Territory, and be maintained for the reformation of such boys and girls under the age of eighteen years, who may be committed to it as hereinafter provided, said school to be known as a Dakota Reform School.

SEC. 7772. They shall cause the boys and girls under their charge to be instructed in piety and morality, and in such branches of useful knowledge as are adapted to their age and capacity, and in some regular course of labor, either mechanical, manufacturing or agricultural, as is best suited to their age, strength, disposition and capacity, and as may seem best adapted to secure the reformation and future benefit of such boys and girls.

SEC. 7777. When a boy or girl under the age of eighteen years shall, in any court of record, be found guilty of any crime, excepting murder, the said court may, if in its opinion the accused is a proper subject therefor, instead of entering judgment, cause an order to be entered that said boy or girl be sent to the reform school pursuant to the provisions of this chapter. \* \* \*

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## SOUTH CAROLINA.

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SOUTH CAROLINA REVISED STATUTES, 1893.

VOLUME I. CHAPTER XXVIII.

SOUTH CAROLINA INSTITUTE FOR THE EDUCATION OF THE DEAF AND DUMB  
AND THE BLIND.

SEC. 1136. (Board of commissioners of.)

SEC. 1142. All deaf mutes and blind of the State, who are of proper age and mental capacity (each case to be decided by the board) shall be admitted to the benefits of the institution.

SEC. 1143. The whole or part of the expenses of the several applicants shall be paid according to the opinion which the commissioners may form as to the pecuniary condition of the applicants. \* \* \*

REVISED STATUTES OF SOUTH CAROLINA.

REVISED, 1893.

VOLUME I.

SEC. 670. In case any poor child or children shall be, or become chargeable to the county, the county board of commissioners may bind out any such child or children as an apprentice to some person of good moral character until such child, if he be a male, shall arrive at the age of sixteen years, and if it be a female, until she arrives at the age of fourteen years or shall marry. The said board shall have power to bind out to service, under some person of good moral character, any illegitimate child or children likely to become chargeable to the county, or liable to be demoralized by the immoral conduct or evil example of their mother or other persons having them in charge, in the manner and for the time prescribed for pauper children, and they shall have power to issue all necessary writs to enforce the provisions of this section.

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REVISED STATUTES OF SOUTH CAROLINA.

REVISED, 1893.

VOLUME II.

SEC. 133. Whoever, being legally liable, either as parent, guardian, master or mistress, to provide for any child or children, apprentice or servant, idiot or helpless person, necessary food, clothing or lodging, shall wilfully and without lawful excuse refuse or neglect to provide the same, or shall unlawfully and maliciously do, or cause to be done, any bodily harm to any such child or children, apprentice, servant, idiot, or helpless person, so that the life of such child or children, apprentice, servant, idiot or helpless person shall be endangered, or the health or comfort of such child or children, apprentice, servant, idiot or helpless person shall have been, or is likely to be, permanently injured, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not less than two hundred dollars



nor more than one thousand dollars, or be imprisoned for any term not exceeding two years, with or without hard labor, one or both, at the discretion of the court.

SEC. 134. Whoever tortures, torments, cruelly ill-treats, or whoever deprives of necessary sustenance or shelter, or whoever inflicts unnecessary pain or suffering upon any child, or whoever causes the same to be done, whether such person be the parent or guardian of such child, or have charge or custody of the same, shall for every such offense be guilty of a misdemeanor, and be punished by imprisonment in jail not exceeding thirty days or by fine not exceeding one hundred dollars. That all of the provisions of Chapter XXX in reference to the prevention of cruelty to animals be extended to the enforcement of this section.

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#### LAWS OF SOUTH CAROLINA, 1898.

##### *No. 509.*

A JOINT RESOLUTION, To procure information with a view to the establishment of a reformatory for youthful criminals.

WHEREAS, There are many instances in which children and youths are charged and convicted of crime; and whereas it is inexpedient that they should be punished as adults are by hard labor and imprisonment in the State penitentiary; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of South Carolina*, That the governor be, and he is hereby authorized and directed to appoint a commission of five citizens, to be known as the reformatory commission, and which commission shall serve without pay.

SEC. 2. It shall be the duty of said commission to collect information as to the cost and feasibility of establishing and maintaining a reformatory for youthful criminals, and the most approved rules and regulations for the government of such an institution, and that said commission report to the next session of the general assembly by bill or otherwise.

Approved the 21st day of February, A. D. 1898.



**TEXAS.**

GENERAL AND SPECIAL LAWS OF TEXAS, 1889.  
HOUSE OF CORRECTION AND REFORMATORY.  
CHAPTER LXXXV.

(S. B. No. 51).

AN ACT, To provide for the more efficient government and maintenance of the house of correction and reformatory at Gatesville.

LAWS OF TEXAS, 1895.  
HOUSE OF CORRECTION AND REFORMATORY.  
CHAPTER LXVIII.

(S. B. No. 24.)

AN ACT, To amend section twelve of an act entitled "An act to provide for the more efficient government and maintenance of the house of correction and reformatory at Gatesville."

Approved April 2d, 1889.

SEC. 12. When upon the trial and conviction of any person in this State of a felony it is found by the verdict of the jury the defendant is not more than sixteen years of age, and the verdict of conviction is for confinement for five years or less, the judgment and sentence of the court shall be that the defendant be confined in the house of correction and reformatory instead of the penitentiary for the term of his sentence, and that such defendant be conveyed to the house of correction and reformatory by the proper authority, and there confined for the period of his sentence, and for such service such officer shall be paid the same fees that he would be allowed for conveying such convicts to the penitentiary: *Provided*, That the age of the defendant shall not be admitted by the attorney representing the State, and it shall be proved by full and sufficient evidence that the defendant is not more than sixteen years of age before the judgment herein provided for shall be entered: *Provided*, The jury convicting

shall say in their verdict whether the convict shall be sent to the penitentiary or the reformatory.

Approved April 27th, 1895.

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**TENNESSEE.**

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**CODE OF TENNESSEE, 1898.**

**CHAPTER II.**

**THE INSTITUTION FOR THE BLIND—BLIND  
SCHOOL—CORPORATION.**

SEC. 2643 (1565) 2072. The institution for the instruction of the blind, now in existence and operation in the city of Nashville, shall continue to be a body corporate, by the name of the "Tennessee School for the Blind."

**EDUCATION OF PUPILS.**

SEC. 2651 (1571) 2080. The pupils of said school shall be taught such branches of learning as they can acquire, and as are usually taught to young persons, and such trades and handicraft pursuits as the blind can learn and practice and (to) advantage.

**ADMISSION OF FREE PUPILS.**

SEC. 2652 (1572) 2081. Two free pupils shall be admitted into the school from each senatorial district, to be selected from amongst indigent persons that are unable to bear the expense of education, by the senator and representative, for the time being, of each district.

**DEAF, DUMB, AND BLIND.**

SEC. 2653. 2082. Any deaf, dumb and blind child whose parents are citizens of this State, may be placed in either the Tennessee School for the Blind or the Tennessee Deaf and Dumb School, free of charge.

**OTHER PUPILS.**

SEC. 2654. 2083. All other pupils shall be admitted by the board of trustees upon such terms as they may deem

proper ; but pupils that cannot pay shall have preference over those whose parents or families are able to provide for them.

#### TRAVELING EXPENSES.

SEC. 2656 (1575) 2085. The traveling expenses of pupils in coming to the school, whose parents are poor and unable to pay, shall be paid by the trustees, but not for a shorter distance than one hundred miles ; and the terms of admission for colored students, given separate accommodations, shall be the same as prescribed for white students.

#### CHAPTER III.

#### THE INSTITUTION FOR THE DEAF AND DUMB— DEAF AND DUMB SCHOOL.

SEC. 2660 (1580) 2089. The institution for the instruction of the deaf and dumb now in existence and operation in the town of Knoxville, shall continue to be a body politic and corporate, by the name and style of the "Tennessee Deaf and Dumb School."

#### PROPERTY OF STATE.

SEC. 2665 (1585) 2094. The lot and buildings and appurtenances of the said school are the property of the State of Tennessee.

#### FREE PUPILS.

SEC. 2666 (1586) 2095. Each senatorial district in the State may send to said school two pupils free of charge in preference to all others, whether free or paying scholars.

#### HOW SELECTED.

SEC. 2667 (1587) 2096. These pupils shall be selected by the senator and representative, for the time being, in such district, and, in making said selection the preference shall be given to such indigent persons as are unable to bear the expenses of tuition.



## CHAPTER I.

## ORPHAN ASYLUMS OR HOUSES FOR DESTITUTE CHILDREN—HOW GOVERNED.

SEC. 4343. All orphan asylums or houses for destitute children heretofore chartered or incorporated, or which may hereafter become so incorporated under the laws of the State of Tennessee, shall be severally governed by a board of managers, trustees, or directors, which shall consist of twelve or more persons, five or more of whom shall constitute a quorum.

## ADVISORY BOARD OF MEN.

SEC. 4344. All such boards of managers, trustees, or directors as consist, or shall hereafter consist, of women, shall severally elect an advisory board of men to whom they may refer all matters wherein they may need to be instructed.

## WHITE CHILDREN UNDER EIGHTEEN YEARS OF AGE RECEIVABLE.

SEC. 4345. All asylums or houses for destitute orphans or indigent white children heretofore chartered or incorporated, or which may hereafter become incorporated under the laws of the State of Tennessee, at the option of its board of managers, trustees, or directors, may receive or take charge of any destitute white orphan or indigent white child of either sex, or children of indigent white parents, under eighteen years of age, from any part of the State.

## EDUCATION ACCORDING TO COMMON SCHOOL COURSE.

SEC. 4348. The board of managers, trustees, or directors of said asylum shall cause all children over six years of age in such asylum to be instructed in such branches of useful knowledge as may be suited to their years and capabilities, and cause the girls to be taught domestic vocations, such as sewing, mending, knitting, and housekeeping in all its departments. The boys shall be taught such useful trades as the board may direct; and all children in said asylums,

who are of sufficient age, shall be taught according to the course of the common schools in this State.

#### COLORED ASYLUMS.

SEC. 4352. All asylums or houses for the support of destitute colored orphans, or indigent colored children, or children of indigent parents, heretofore chartered or incorporated, or which may hereafter become so incorporated under the laws of the State of Tennessee, may receive and take charge of any destitute colored orphan or indigent colored child of either sex, or children of indigent colored parents, under eighteen years of age, from any part of the State, under the provisions of this chapter.

#### ORPHANS AND FOUNDLINGS; CONTROL DURING MINORITY.

SEC. 4353. In all cases in which orphan or foundling children are placed in any of the various orphan homes or asylums in this State, whether they are placed there voluntarily by their parent or parents, or by the order of some competent court or other authority, or whether they come into the care and custody of any such institutions as foundlings, the directors or managing board thereof shall have the right to retain the charge and custody of such children until they arrive at the age of eighteen years, subject, however, to the provisions of section 4355, and such institutions may, within such home or asylums, provide for such children, or may so provide for them in homes of suitable families outside of said institutions.

#### CHAPTER II.

#### REFORMATORY INSTITUTIONS ESTABLISHED BY COUNTIES AND CITIES—REFORMATORY INSTITUTIONS PROVIDED FOR.

SEC. 4356. The various counties of this State, through their county courts, and the various cities and towns through their councils and governing boards, shall have power, and it shall be their duty, when, in their discretion, the condition of their finances and the population justify it, to establish,

erect and maintain in their counties reformatory institutions for the reformation, correction, employment, instruction, and education of neglected, evil-disposed, vicious, or incorrigible youths of both sexes.

#### OBJECTS, REFORMATION OF YOUTHS; SEXES TO BE KEPT SEPARATE.

SEC. 4362. Such institutions shall have for their objects the reformation of those committed to their charge, and all youths committed to their charge shall be committed and remain until they arrive at full age, unless sooner reformed; a release for reformation to be made only upon the order of at least four members of the board of trustees. Separate accommodations and arrangements shall be made for the male and female inmates of such institutions, and the two sexes shall be kept entirely separate and apart from each other.

#### INFANTS, HOW RECEIVED.

SEC. 4370. The board may, at its discretion, receive into such institutions infants, under the age of sixteen years, committed to their custody in either of the following modes, to wit:

(1) Infants committed by any judge of the circuit or chancery court, on complaint and due proof by the parents, guardian, or next friend of such infants that, by reason of incorrigible or vicious conduct, such infant has rendered his control beyond the power of such parent, guardian or next friend, and made it manifestly requisite that, from regard to the future welfare of such infant, and for the protection of society, he should be placed under the guardianship of the trustees of such reformatory institution.

(2) Infants committed by the authorities aforesaid, when complaint and due proof have been made that such infant is a proper subject for the guardianship of the trustees of such institution, in consequence of vagrancy, or incorrigible or vicious conduct, and that, from the moral depravity of the parent, guardian, or next friend, in whose custody such infant may be, or other cause, such parent, guardian, or next



friend is incapable or unwilling to exercise the proper care and discipline over such incorrigible or vicious infant.

(3) Infants who are without a suitable home and adequate means of obtaining an honest living, and who are in danger of being brought up to lead an idle or immoral life, may be committed to the guardianship of the trustees of such institution by the chancellor, circuit judge, or judge of the county in which such institution is situated, or by the mother when the father is dead, or has abandoned his family, or does not provide for their support, or is an habitual drunkard.

(4) Infants who may, under the provisions of this chapter, be committed by the governor from the penitentiary, or by the authority of any other place than the county or city establishing the said reformatory.

(5) Infants, either residents, or non-residents of the city or county by which the reformatory is established, or of the State of Tennessee, who may be deemed suitable subjects for such an institution, and who may be committed thereto by the parent or guardian, the charges made by the trustees for the care of such infant being paid by said parent or guardian. The expenses of, or charges for the care of an infant shall be as provided in section 4391 (sections 4384 and 4385), and in no case shall the board be required, except at its discretion, to receive into such institution an infant committed by any other authorities than the authorities of the city or town by which the reformatory is established, or, in case of a reformatory established by the county, by the authorities of the county, or some court of the State within said county.

#### INFANTS UNDER SIXTEEN YEARS VIOLATING CITY ORDINANCES.

SEC. 4371. An infant under the age of sixteen years, convicted of a misdemeanor or an offense punishable by imprisonment under an ordinance of the city, or who has been ordered to be committed as prescribed in the last section, may be confined in such institution under such rules and regulations as the trustees may prescribe; and the trustees

shall receive and take charge of any children committed to their custody by any court or officer under a law of the State.

#### MINORS OVER SIXTEEN VIOLATING LAW OR ORDINANCE.

SEC. 4372. A minor over the age of sixteen years, convicted of a violation of any law or ordinance, and liable to be punished therefor by imprisonment, or who may be liable to imprisonment for neglect or refusal to pay a fine imposed for the violation of any law or ordinance, may, in lieu thereof, be committed to the reformatory institution, and put to hard labor, in such manner as may be prescribed by judges of circuit, chancery or county courts.

#### INFANTS UNDER SIXTEEN LIABLE TO JAIL OR PENITENTIARY.

SEC. 4373. Any infant under the age of sixteen years who may be liable to confinement in the jail in any county in which a reformatory institution is situated, or in the penitentiary of State from such county, may, at the discretion of the court giving sentence, be placed in such institution until of legal age, under the exclusive control and guardianship of the trustees thereof.

#### INFANTS UNDER SIXTEEN ACCUSED OF CRIME TO BE COMMITTED.

SEC. 4374. If accusation of the commission of a crime is made against an infant under the age of sixteen years, before the grand jury of the county in which such reformatory institution is situated, and the charge appears to be supported by sufficient evidence to put the accused upon trial, the grand jury may, in its discretion, instead of finding an indictment against the accused, return to the court that it appears to them that the accused is a suitable person to be committed to the guardianship of the trustees of the reformatory institution, and the court shall thereupon, on notice to the minor and an opportunity to be heard, but without a jury, order such commitment.

COMMITTED BY COURT AFTER INDICTMENT.

SEC. 4375. If an infant under the age of sixteen years be arraigned in a court having criminal jurisdiction in a county by which a reformatory institution is established, on a charge of the violation of any criminal law of the State or ordinance of the corporation, the judge may, with the consent of the accused, arrest, at any stage of the cause, further proceedings upon the part of the prosecution, and commit the accused to the guardianship of the trustees of said institution.

ALSO WHEN HELD FOR TRIAL OR AS A WITNESS.

SEC. 4376. An infant under the age of sixteen years who is committed for trial or as a witness in a county in which a reformatory is situated, shall be placed in such institution subject to the order of the court making such commitment, and in no case in the county jail.

INSTRUCTION.

SEC. 4393. The inmates of such reformatory institution shall receive such education and be instructed in such branches of industry—agricultural, mechanical, or otherwise—as the board from time to time may determine, the reformation of such inmates and their preparation for usefulness being kept in view by the administration of the institution; and, for the purpose, the board may acquire, by purchase or lease, farms or other property, and may carry on branches of industry that are thought to be conducive to these ends.

GIRLS' INDUSTRIAL DEPARTMENT.

SEC. 4397. Whenever such reformatory institutions shall be established, the board of trustees, as soon as practicable, shall procure or prepare a place for the accommodation of female inmates, to be managed and controlled separately from the school and institution prepared for boys, such separate institution to be known as the girls' industrial department or home, and to be managed and controlled by the board of trustees of the county or city reformatory institu-



tion, under the same general plan and with the same objects in view as in the boys' reform department. Said industrial home may be managed by the same or different superintendent from the one appointed to the care and custody of the boys, and on the same or different farm, as the board of trustees, in their discretion, may decide, and the two sexes shall reside in separate buildings, and be kept entirely separate and apart from each other. A separate account of the cost and expenses, and of the receipts and products of each department shall be kept.

#### GIRLS, HOW COMMITTED.

SEC. 4399. When a girl above the age of nine years, and under the age of sixteen years, is brought by an officer or other inhabitant of any county before any judge of any court of any county, upon complaint, under oath, that she has committed an offense against the laws of the State, punishable by fine or imprisonment, other than by imprisonment for life, or that she is living a criminal life, the judge before whom she may be brought or charged shall forthwith issue an order, in writing, addressed to the father of the girl, if living and resident of the county, and, if not, then to the mother, if living and so resident, and if there is no father or mother living and resident as aforesaid, then to her guardian, if so resident, if not, then to the person with whom the girl resides, which order shall require the person to whom such an order is so addressed to appear before the said judge at the time and place therein named, to show cause, if there is any, why said girl should not be committed to an industrial home. At the time, in the order, the judge shall hear such testimony as is presented before him in relation to the case, and, if it appears to his satisfaction that the girl before him is a suitable subject for the industrial home, he shall commit her to that institution and issue his warrant to the sheriff of the proper county, or to some suitable person, to be appointed by him, commanding him to take charge of the girl and deliver her without delay to the superintendent of the home.

FEMALE CONVICTS MAY BE TRANSFERRED TO  
REFORMATORY.

SEC. 4402. Any girl under seventeen years of age sentenced to imprisonment in the penitentiary may, before the expiration of the time for which she is sentenced, be removed, on the warrant of the governor, if the trustees consent, at the expense of the State, to the industrial home, when it is made to appear to him that such removal will be conducive, and will not be prejudicial to society.

FEMALE INFANTS, HOW PROCEEDED AGAINST.

SEC. 4404. When a girl between nine and sixteen years of age is brought before a court of criminal jurisdiction, charged with an offense punishable by fine or imprisonment, other than imprisonment for life, and who, if found guilty, would be a proper subject for an industrial home (an order to that effect being entered on the records of the proceedings of said court) it shall, thereupon, by warrant or order, cause such girl to be examined forthwith before the judge in the same manner as if she had been brought before him upon original complaint, and he shall proceed as hereinbefore directed.

PROFITS TO BE PRORATED AMONG INMATES,  
AND INVESTED FOR EACH.

SEC. 4415. A yearly statement shall be made, in which the inmates shall be charged with the cost of feeding, clothing and maintaining them, and credited with the receipts from products of their labor, the net balance to be prorated among them, to be invested for their benefit. An accurate account shall be kept with each inmate, in which he or she shall be charged with the cost of his or her committal, with his or her fair *pro rata* of the joint expenses of food, maintenance, and clothing, and with any extra expense or damage caused by disobedience, vicious or unruly conduct; and for each and every day such inmate obstinately refuses to perform the tasks assigned, a charge shall be made against him or her. Each inmate shall be annually credited with his or her fair *pro rata* of the net profits realized for products of the institu-

tion; any balance that may exist in favor of an inmate when the yearly statement is made up, shall be funded or invested by the trustees securely for his or her benefit, to be paid him or her on legally leaving such institution.

### CHAPTER III.

#### TENNESSEE INDUSTRIAL SCHOOL FOR ORPHAN, HELPLESS, WAYWARD AND ABANDONED CHILDREN—COMMITMENT OF CERTAIN CHILDREN.

SEC. 4418. Any judge or chairman of a county court in this State may cause to be brought before the court any child between the age of eight and eighteen years, that comes within any of the following descriptions, to wit:

(1) That is begging to receive alms, whether openly or under pretense of selling or offering for sale anything; but not when the selling is *bona fide*, and not a pretense or cover for begging or receiving alms.

(2) That is found wandering, and not having any home or settled place of abode.

(3) That has no proper or sufficient guardianship to care for its physical, and mental welfare, to at least such a degree as will probably save the child from pauperism, lewdness, and crime.

(4) That is found destitute, either being an orphan or having a parent or parents undergoing imprisonment or confined in a lunatic asylum or where both parents are habitual drunkards or where the only living parent is an habitual drunkard, and any child of such parent is not properly supported and controlled.

(5) That frequents the company of lewd, wanton or lascivious persons, in speech or behavior, or notorious resorts of bad character.

(6) That is found wandering in streets, alleys, or public places, with no means of support.

(7) That has been abandoned in any way by parent or parents or guardian, and has no means of support, and with idle habits; and, if it shall appear to the satisfaction of the



said county court that it would be manifestly for the interest of said child that it be committed to the Tennessee Industrial School, the court will so order, and send the child to said school, to be held by it under the charter and by-laws of said school.

#### INSTRUCTION OF INFANTS—COMMON SCHOOL EDUCATION.

SEC. 4425. The officers and managers of said school shall receive and take into it all children committed thereto by competent authority as aforesaid, and shall cause all children in such school to be instructed in such branches of useful knowledge as may be suited to their years and capacities, and shall cause the girls to be especially taught domestic vocations, such as sewing, mending, knitting, and housekeeping in all its departments. The boys shall be taught such useful trades as the board may direct, and all children in said school shall be taught according to the course of the common public schools in this State.

#### RACES SEPARATED—SEPARATE APARTMENTS FOR SEXES.

SEC. 4429. The children of the white and colored races, which may be committed to said school, shall be kept entirely separate and apart from each other, in every way, and they shall not be associated together on any pretense whatever, and the sexes shall have separate apartments.

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### UTAH.

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#### LAWS OF UTAH, 1894.

#### INCORRIGIBLE CHILDREN.

SEC. 145*a*. All children in the district between the ages of eight and sixteen years who, in defiance of earnest and persistent efforts on the part of their parents or teachers, are habitual truants from school, or while in attendance at school

are vicious, immoral, or ungovernable in conduct, shall be deemed incorrigible; and it is the duty of the president of the board of education or the chairman of the board of trustees of each school district to inquire into all such cases within his district and report them to the county attorney acting for such district, whose duty it shall be to prosecute such cases as incorrigibles and fit candidates for the Territorial reform school.

## LAWS OF UTAH, 1896.

### STATE INDUSTRIAL SCHOOL.

SECTION 1. *Be it enacted by the Legislature of the State of Utah,* That the institution now known as the State Reform School shall be removed as hereinafter provided and thereafter shall be conducted and known under the name of the "State Industrial School," and shall be divided into two departments, one of which shall be known as the "boys' department," and the other shall be known as the "girls' department."

SEC. 4. The said board shall, as soon as practicable after their appointment, provide for the removal of the reform school from its present site, and shall establish it at some other suitable site (to be purchased by the board) in the city of Ogden, county of Weber, in this State. If suitable buildings cannot be procured, or if they deem it for the best interest of the State, the said board of trustees shall procure and adopt plans, drawings and specifications for the construction of the State Industrial School buildings, and shall make provisions for the erection of said buildings and cause the same to be carried out in accordance with such plans and specifications. The said buildings shall be erected so far as practicable to conform to the plan known as the "cottage system." The building or buildings designed for the use of the girls shall be separate and removed from the buildings designed for the use of the boys as far as practicable and remain on the same tract of land. The purchase of said site and the plans and specifications for the erection of said buildings shall be subject to the approval of the governor.

### INCORRIGIBLE CHILDREN.

SEC. 169. All children in the district between the ages of eight and sixteen years, who, in defiance of earnest and persistent efforts on the part of their parents or teachers, are habitual truants from school, or while in attendance at school are vicious, immoral or ungovernable in conduct, shall be deemed incorrigible, and it is the duty of the president of the board of education or the chairman of the board of trustees of each school district to inquire into all such cases within his district and report them to the county attorney acting for such district, whose duty it shall be to prosecute such cases as incorrigibles and fit candidates for the State Reform School.

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### LAWS OF UTAH, 1897.

#### COMPULSORY EDUCATION OF DEAF, MUTE AND BLIND CHILDREN.

SECTION 1. Every parent, guardian or other person having control of any totally deaf-mute or blind child between the ages of eight and eighteen years who, on account of its deafness, muteness or defective sight is unable to be educated in the public schools, shall be required to send such child to the State School for the Deaf and Dumb, or the State School for the Blind for at least six months of each school year: *Provided*, That in case it can be shown to the satisfaction of the board of trustees of the State School for the Deaf and Dumb, and the State School for the Blind:

1st. That such child is taught at home by a competent teacher in the same branches and the same length of time as children are required by law to be taught in the State school.

2d. That such child has already acquired the branches of learning taught in the State school, or

3d. That such child is in such physical or mental condition (which must be certified, if required, by a competent physician) as to render such attendance inexpedient or impracticable, then the provisions of this law shall not apply.



SEC. 2. Any such parent, guardian or other person having control of any totally deaf, mute or blind child between the ages of eight and eighteen who fails to comply with the provisions of this act after having been notified of its requirements, shall be guilty of a misdemeanor.

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LAWS OF UTAH, 1899.

HOSPITAL FOR UTAH STATE SCHOOL FOR DEAF  
AND DUMB.

APPROPRIATION FOR HOSPITAL ADDITION TO  
STATE SCHOOL FOR DEAF AND DUMB.

SECTION 1. That the sum of three thousand five hundred dollars, or as much thereof as may be necessary, is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, for the purpose of erecting a hospital addition to the State School for the Deaf and Dumb at Ogden, Utah.

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VOLUME II., 1888, TITLE I.

OF CRIMES AND PUNISHMENTS.

SEC. 4387. All persons are capable of committing crimes, except those belonging to the following classes:

1. Children under the age of seven years.
2. Children between the ages of seven years and fourteen years, in the absence of clear proof that at the time of committing the act charged against them they knew its wrongfulness. \* \* \*

NEGLECT OF CHILDREN.

SEC. 4505. Every parent or guardian of any child who wilfully omits, without lawful excuse, to perform any duty imposed upon him by law, to furnish necessary food, clothing, shelter or attention for such child is guilty of a misdemeanor.

SEC. 4506. Every parent of any child under the age of six years, and every person to whom any such child has been

confided for nurture or education, who deserts such child in any place whatever, with intent wholly to abandon it, is punishable by imprisonment in the penitentiary not exceeding five years, or in a county jail not exceeding six months.

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VERMONT.

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VERMONT STATUTES, 1894.

CHAPTER XLVI.

INSTRUCTION OF THE DEAF, DUMB, BLIND,  
IDIOTIC AND FEEBLE-MINDED.

SEC. 854. The governor shall be, by virtue of his office, commissioner of the deaf, dumb and blind, and of the idiotic and feeble-minded children of indigent parents, and as such commissioner shall constitute the board for their instruction.

SEC. 857. Until provision is otherwise made by law, the beneficiaries mentioned in this chapter shall be instructed at the following places: The deaf and dumb at the American Asylum for the education of the deaf and dumb at Hartford, Connecticut, or the Clark Institution at Northampton, Massachusetts; the blind at the New England Institution for the instruction of the blind at Boston, Massachusetts. \* \* \*

(In section 856, \$5,000 is annually appropriated for benefit of deaf and dumb, and \$4,000 for the blind, or sums not exceeding these amounts.)

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VERMONT STATUTES, 1894.

SEC. 1945. When a child under the age of twelve years is brought before a justice of the peace, charged with an offense not punishable by death, such justice shall not put him to plead or proceed to a hearing of the cause until he has given notice of the time and place of the trial or hearing, to the first selectman of the town in which the child resides, or,

if the child has no residence in the State, to the first selectman of the town in which the trial or hearing is to be had.

SEC. 5217. Boys under sixteen and girls under fifteen years of age at the time of conviction of an offense, shall not be sentenced in the first instance to the house of correction, and no person under those ages shall be received in that institution except such as are removed there from the Vermont Industrial School by virtue of an alternative sentence contained in a warrant of commitment to said school.

#### VERMONT INDUSTRIAL SCHOOL.

SEC. 5169. The Vermont Industrial School at Vergennes shall be the reform school of the State for the discipline, correction and reformation of juvenile offenders.

SEC. 5239. Children sent to the Vermont Industrial School shall be treated as on probation, until such time as inquiry into the cause of their commitment and their previous character determines whether a long detention is necessary or only a transfer from former bad influences to a good home.

SEC. 5244. The boys confined in the Vermont Industrial School shall be divided into two grades, known as grade one and grade two. All boys under the age of fourteen years who conform to the regulations of the school and such other boys as the trustees consider fit associates for boys under said age shall be in grade one. All other boys shall be in grade two, and those belonging to grade two shall not be permitted to associate with the boys belonging to grade one, except in the workshop, schoolroom, dining-room, chapel, and while at work on the farm.

SEC. 5296. When a girl under ten years of age is sentenced to pay a fine, or fine and costs, and to stand committed till sentence is complied with, such commitment shall be to the county jail; and when a girl under that age is sentenced to a term of imprisonment on conviction of an offense, the sentence shall be to imprisonment in the county jail, except in cases where the law provides that the imprisonment shall be in the State prison.

SEC. 5297. A person under the age of sixteen years



committed to a jail, shall be kept separate from older persons committed to await trial, or on conviction for crime.

# NUMBER CXXVIII.

## AN ACT, Relating to the parole of prisoners.

*It is hereby enacted by the General Assembly of the State of Vermont:* The county courts of the several counties of this State shall appoint one person to perform the duties of probation officer as hereinafter provided under the jurisdiction of said courts. Each probation officer as herein provided, shall hold his office during the pleasure of the court making the appointment. Said probation officers in the execution of their official duties shall have all the powers of police officers.

SEC. 2. Each probation officer, when requested to do so by any court in the county before which a person is being prosecuted for crime, shall inquire into the nature of any criminal case brought before the court in the county for which he is appointed, and may recommend that any person convicted by such court be placed upon probation. Such court may place the person so convicted in the care of said probation officer for such time and upon such conditions as it may prescribe.

SEC. 3. When a person has been placed upon probation, the court may direct and authorize the probation officer to expend for the temporary support of such person, or for his transportation, or for both such purposes, such reasonable sum as the court shall consider expedient, and the sum so expended shall be repaid to said probation officer from the State treasury, on vouchers approved by the court authorizing the expenditure. Such sum shall, when so authorized, be entered upon the clerk's docket in each case, and be made a part of the record thereof.

SEC. 4. Each person released upon probation as aforesaid shall be furnished by the probation officer with a written statement of the terms and conditions of his release. Each probation officer shall keep full records of all cases placed in his care by the court, and of any other duties performed by him under this act.

SEC. 5. The clerk of the court of each county shall, when an appointment is made under this act, forthwith notify the board of prison commissioners of the name of the officer so appointed. Each probation officer shall make a monthly report to the commissioners of prisoners in such form as said commissioners may direct.

SEC. 6. The compensation of each probation officer shall be determined by the court under whose jurisdiction he acts, and shall be paid from the treasury of the State upon vouchers approved by said court. Actual disbursements for necessary expenses shall be paid in the same manner.

SEC. 7. A probation officer shall, at the request of the judges of the supreme court, investigate the case of any person on trial in that court and make a report upon the same to said court, and shall, upon the order of said court, take on probation any person to be sentenced in said court. The compensation for such services shall be paid from the treasury of the State upon vouchers approved by chief judge of said court.

SEC. 8. This act shall take effect from its passage.

Approved November 16th, 1898.

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## VIRGINIA.

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### CODE OF VIRGINIA, 1887.

#### SCHOOL FOR DEAF MUTES AND THE BLIND— HOW PUPILS SELECTED.

SEC. 1658. There shall be in said institution one school for the education of deaf mutes, and another for the education of the blind. The pupils of each shall be selected as the visitors shall prescribe, among such persons as are unable to pay for their maintenance and support, to the extent of the means of the institution, and also from other persons, residents of this State, on such terms for their maintenance and support as may be agreed upon. But hereafter there shall be no charge for the education of pupils.

SUPPLEMENT TO THE CODE OF VIRGINIA, 1898.  
TO PREVENT CRUELTY TO CHILDREN AND TO  
REGULATE AND PROVIDE FOR THEIR CON-  
TROL AND CUSTODY IN CERTAIN CASES.

SEC. 3795 (paragraph 4). Any legally incorporated humane society or society for the prevention of cruelty to children is hereby empowered to become the guardian of minor children in accordance with the general provisions of law applicable to the guardianship of minors. The powers and duties of such society as guardian of minor children shall be exercised and performed by its officers and agents, and such society may adopt by-laws in relation thereto not inconsistent with the general provisions of law applicable to such guardianships.

SEC. 5. Whenever it shall be made to appear to any court having jurisdiction to appoint a guardian that any child under the age of fourteen years, by reason of orphanage or of the neglect, crime, drunkenness, or other vice of parents or other persons having custody of such child is growing up without education or salutary control and in circumstances exposing such child to lead a dissolute and vicious life, such court may order such child to be committed to the custody of any legally incorporated humane society or society for the prevention of cruelty to children, and such society is hereby authorized to receive such child into its custody and to provide for its care and education in some suitable family or institution of instruction; such society may discharge such child from its custody whenever in the judgment of said society the object of such commitment has been accomplished. At any time before such discharge said society may surrender such child to the custody of the court by which such commitment was ordered. In case of such surrender or in case there is no such incorporated society willing to take the custody of such child, the said court may make such order as to the custody of such child as now is or may be provided by law in cases of vagrant, truant, disorderly, pauper or destitute children; but nothing contained in this act shall be construed to oblige any such society to receive the custody of any



child nor to affect in any way the duty of any city or town to provide for any child having a legal settlement therein. Such court may at any time on the petition of such parent or any other person revoke its order and restore said child to its former custody or to the custody of any other person when it is made to appear that the welfare of said child will be thereby promoted. All proceedings under this section shall be by petition after notice to the person having custody of such child.

SEC. 6. Whenever any person or persons having the care or custody of any child within the age previously mentioned in this act shall engage, hire out, or use such child in or for any business, exhibition, vocation, or purpose prohibited in this act, or shall permit the use of such child therefor, and shall be convicted of the same, the court or magistrate before whom such conviction is had may at his discretion, if he should think it desirable for the welfare of such child, deprive the person or persons so convicted of the custody of such child, and thereafter such child shall be deemed in the custody of the court, and thereupon such proceedings shall be had as to the commitment, custody, care and education of such child as are provided for in section five of this act.

TO AUTHORIZE CERTAIN PERSONS WHEN AR-  
RESTED OR CONVICTED TO BE COMMITTED  
TO THE CUSTODY OF THE PRISON AS-  
SOCIATION OF VIRGINIA.

SEC. 4173b. That whenever any minor charged with any crime or with being a vagrant or disorderly person is convicted it shall be lawful for the court, judge, or justice before whom the conviction is had, in the discretion of such court, judge or justice, with the consent of the prison association of Virginia, to direct that the minor convicted shall be committed to the custody and control of the said prison association of Virginia, and said association shall have the same power and authority over any such minors as the proper authorities of the State penitentiary now have with regard to the persons committed to it and shall be entitled upon the

certificate of the judge of Henrico county to the same compensation for caring for them which the jailers of this Commonwealth were entitled to for the same number of persons January first, eighteen hundred and ninety-eight: *Provided, however,* That no minor so convicted and committed to said association as a vagrant or disorderly person shall be held or detained by said association for a longer period than eighteen months from the date of such conviction, and that no minor convicted of a misdemeanor shall be committed to the said association for a period shorter than two nor longer than three years from the date of such conviction, and no minor convicted of a felony shall be committed to the said association for a period shorter than three nor longer than five years from the date of such conviction: *And provided further,* That in all cases of conviction by a justice where an appeal lies to a higher court other than cases where such minor is committed to the said association at the request or with the consent of the parent or legally qualified guardian of such minor an appeal may be taken from the action of the justice before whom such conviction is had at any time within fifteen days from the date of such conviction: *And provided further,* That said prison association of Virginia shall have the right to discharge any minor committed to it at any time when in the judgment of the proper authorities of said association such discharge will be to the best interests of said minor.

#### COMMITMENT OF MINORS TO PRISON ASSOCIATION OF VIRGINIA, AND THEIR CUSTODY.

SEC. 4173c. No person shall be committed to or received into the custody of the prison association of Virginia after such person shall have reached the age of seventeen years, nor shall any person be held or detained by the said prison association of Virginia after such person shall have reached the age of twenty-one years.

2. It shall be the duty of every judge, court, or magistrate who shall commit any minor to the custody of the prison association of Virginia first to notify the said association or its appropriate officer that said minors will be so committed with the assent of said association, and if said association



shall assent to said commitment it shall become its duty to send a proper officer or guard to receive and take charge of said minor, who shall be regarded as in the legal custody of said association from the time of being delivered to such officer or guard; and the proper traveling and other expenses of such officer or guard and of such minor shall be allowed and paid by the auditor of public accounts, but the expenses of only one such officer or guard in each case shall be so allowed and paid, unless upon the certificate of the president or other chief officer of said association that more than one officer or guard was necessary and the reasons therefor.

3. Jurisdiction of all habeas corpus and other proceedings to test the right of said prison association of Virginia to retain custody of such minors as shall be committed or surrendered or received into its custody shall be had exclusively before the judge of the circuit court of the city of Richmond in term time or vacation: *Provided*, That in the absence of said judge from said city such proceedings shall be had before the judge of the law and equity court.

#### SUPPORT AND MAINTENANCE IN CERTAIN CASES OF MINORS COMMITTED TO THE PRISON ASSOCIATION OF VIRGINIA.

SEC. 4173d. In all cases where a minor is committed to the custody and control of the prison association of Virginia upon the ground that such minor is a disorderly person or a vagrant, it shall be the duty of the court, judge, or justice making such commitment, after notice to the parent or other person legally liable for the support and maintenance of such minor, to inquire whether or not such parent or other person is able to support and maintain such minor, and if it be found that such parent or other person is able to support and maintain such minor in whole or in part then such court, judge, or justice shall enter an order that such parent or other person legally liable as aforesaid pay to the treasurer of the prison association of Virginia toward the support and maintenance of such minor such sum monthly, not exceeding eight dollars per month, as shall under all the circumstances be just and equitable, which order until set aside upon proper



proof shall stand as a continuing judgment and be enforceable and collectable as are other judgments of the said court, judge, or justice: *Provided*, That any money realized by proceedings under this act shall to that extent go to the relief of the Commonwealth from any liability or obligation for the support and maintenance of any minor whose parent or other person liable for his support and maintenance shall have contributed thereto under this act.

TO PREVENT THE ESCAPE OF PERSONS IN THE  
CUSTODY OF THE PRISON ASSOCIATION OF VIRGINIA.

SEC. 4173e. If any person committed to the custody of the prison association of Virginia shall escape or attempt to escape therefrom such person, upon complaint of the proper authorities of said association, shall be deemed guilty of a misdemeanor, and shall be punished by confinement in jail not exceeding six months, at the expiration of which term of imprisonment such person may, with the consent of said association, be recommitted to the custody thereof.

2. That if any person induce or assist a minor in the custody of the prison association of Virginia to escape therefrom, or knowingly harbor such minor after such escape, such person shall be punished by a fine not exceeding five hundred dollars and by confinement in jail not exceeding six months.

3. That it shall be the duty of all officers throughout the Commonwealth having the power to arrest, including police officers in cities, to apprehend in their respective counties and corporations without process and to deliver to the proper authorities of the prison association of Virginia any person who may have escaped from its custody.

4. That sections thirty-seven hundred and fifty-two, thirty-seven hundred and fifty-three, thirty-seven hundred and fifty-four, thirty-seven hundred and fifty-five, thirty-seven hundred and fifty-six, and thirty-seven hundred and fifty-seven of the code of Virginia be construed to embrace and apply to persons in the custody of the prison association of Virginia, to the buildings of said association, and to the officers of its schools and other institutions as freely and to

the same effect as said sections now embrace and apply to the persons in custody, and to the prisons, prisoners, jails, jailers, and other officers in said sections, especially mentioned.

THE GOVERNOR OF THE COMMONWEALTH SHALL HAVE THE RIGHT AND AUTHORITY IN CERTAIN CASES TO PARDON MINORS CONVICTED AND COMMITTED TO THE CUSTODY AND CONTROL OF THE PRISON ASSOCIATION OF VIRGINIA, AND TO RELEASE SAID MINORS FROM SUCH CUSTODY AND CONTROL.

SEC. 4173f. The governor of the Commonwealth shall have the right and authority to pardon minors convicted and committed to the custody and control of the prison association of Virginia and to release them from such custody and control: *Provided*, It shall be made to appear that the case is a proper one for the exercise of executive clemency and that the said prison association of Virginia, upon proper application made to it, has refused to discharge said minor or has failed to act upon the application for such discharge within thirty days after such application has been made.

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## WASHINGTON.

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### BALLINGER'S ANNOTATED CODES AND STATUTES OF WASHINGTON—MINOR TO BE APPRENTICED—WHEN.

SEC. 389. When any minor shall become or be likely to become chargeable to the county, either because of being an orphan or because the parents or other relations, as aforesaid, are unable or refuse to support such minor, it shall be the duty of the county commissioners to bind such minor as an apprentice to some respectable householder of the county, by written indenture, which shall bind such minor to serve as an apprentice, and shall in all respects be to the tenor and effect as required in the act concerning apprentices.

ARTICLE V.

SCHOOL FOR DEFECTIVE YOUTH—ESTABLISHMENT.

SEC. 2562. The school for the education of the deaf, blind and feeble-minded youth of the State of Washington, as heretofore located and maintained at Vancouver, Clarke county, shall continue to be known as the "Washington School for Defective Youth."

FREE TO RESIDENT YOUTH.

SEC. 2563. Said school shall be free to all resident youth in the State of Washington, who are too deaf, blind or feeble-minded to be taught by ordinary methods in other public schools: *Provided*, They are free from vicious habits and from loathsome or contagious diseases.

COMPULSORY ATTENDANCE OF.

SEC. 2588. It shall be the duty of the parents or the guardians of all such defective youth to send them each year to the said State school for defective youth. The county superintendent shall take all action necessary to enforce this section: *Provided*, That if satisfactory evidence shall be laid before the county superintendent that any defective youth is being properly educated at home or in some suitable institution other than the Washington School for Defective Youth, the county superintendent shall take no other action in such case further than to make a record of such fact, and take such steps as may be necessary to satisfy himself that said defective youth shall continue to receive a proper education.

EXPENSES OF INDIGENT PUPILS.

SEC. 2589. If it appears to the satisfaction of the county commissioners that the parents of any such defective youth within their county are unable to bear the expense of sending them to said State school, it shall then be the duty of the commissioners to send them to such school at the expense of the county.



CHAPTER X.  
OF THE STATE REFORM SCHOOL.  
ESTABLISHMENT OF.

SEC. 2705. That a reform school be and is hereby established, to be known as the Washington State Reform School.

AIM AND PURPOSE OF.

SEC. 2706. Said school to be for the keeping and reformatory training of all youths between the ages of eight and eighteen, who are residents of the State of Washington, and who, on presentation to the presiding officer of said school by an accompanying officer, parent or guardian, shall be accompanied by a certificate of commitment from a court legally authorized to make such commitment.

SEPARATION OF SEXES.

SEC. 2716. Said reform school shall consist of two departments, one for the male and one for the female inmates, and the two departments shall be entirely separate. The matron shall be directly accountable to the director for the management of the female department of the school.

BRANCHES TO BE TAUGHT AND INSTRUCTION  
GIVEN—NATURE OF.

SEC. 2717. All the branches taught in the public schools of the State shall be taught in the reform school and the inmates shall be taught and trained in morality, temperance, and frugality and they shall also be instructed in the different trades and callings of the two sexes, as far as possible, in the scope of the institution.

JUVENILE OFFENDER COMMITTED—WHEN.

SEC. 2721. When a boy or girl of sane mind, between the ages of eight and sixteen years, shall in any court of record in the State, be found guilty of any crime, except murder

or manslaughter, or who for want of proper parental care is growing up in mendicancy or vagrancy, or is incorrigible, and complaint thereof is made and properly sustained, the court may, if in its opinion the accused is a proper subject therefor, instead of entering judgment, cause an order to be entered that said boy or girl be sent to the State reform school, in pursuance of the provisions of this chapter, and a copy of said order under the seal of said court shall be sufficient warrant for carrying said boy or girl to the said school, and for his or her commitment to the custody of the superintendent thereof.

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## WASHINGTON LAWS OF 1899.

## CHAPTER VIII.

## PROTECTION AND CUSTODY OF ORPHAN CHILDREN.

SECTION 1. Any benevolent or charitable society incorporated under the laws of this State for the purpose of receiving, caring for, or placing out for adoption, or improving the condition of orphan, homeless, neglected, or abused minor children of this State, shall have authority to receive, control and dispose of children under fourteen years of age under the following provisions:

(a) When the father and mother or the person or persons legally entitled to act as guardian of the person of any minor child, shall, in writing, surrender such child to the charge and custody of said society, such child shall thereafter be in the legal custody of such society for the purposes herein provided.

(b) In case of the death or legal incapacity of a father, or of his abandonment, or neglect to provide for his family, the mother shall have authority to make such surrender, and in case of the death or legal incapacity of a mother, or her abandonment of such child, then the father shall have authority to make such surrender.

(c) In all cases where the person or persons legally authorized to make such surrender are not known, the board

of county commissioners of the county in which any orphan, homeless, neglected, or abused child may be found, may, when they deem it best for such a child. make such surrender, and when any child shall have been surrendered in accordance with any of the preceding clauses and such child shall have been accepted by such society, then (but not otherwise) the right of its natural parents or of the guardian of its person (if any) shall cease, and such corporations shall become entitled to the custody of such child, and shall have authority to care for and educate such child, or place it either temporarily or permanently in a suitable private home in such manner as shall best secure its welfare. Such corporation shall have authority, when any such child has been surrendered to it in accordance with any of the preceding provisions, and is still in its control, to consent to its adoption under the laws of Washington. The custody or control of any such child by any such corporation, or by any other corporation, institution, society or person, may be inquired into, and, in the discretion of the court, terminated at any time by the superior court of the county where the child may be, upon the complaint of any person and a showing that such a custody is not in the interest of the child.

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## WYOMING.

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### LAWS OF WYOMING, 1888.

#### CHAPTER LVII.

#### JUVENILE DELINQUENTS.

SECTION I. That section twenty-three hundred and thirty-two of the Revised Statutes of Wyoming is hereby amended so that it shall read as follows: "Sec. 2332. It shall be lawful for the district court of any county to commit to the care, custody and guardianship of the house of refuge, or reform or industrial school, of any State where provision has been or shall be made, any child or children under the age of sixteen years, who may have been convicted in such



district court of any offense, except homicide, to be educated, trained and treated in the same manner as the children who have been or may be committed to such house of refuge, or reform or industrial school, from the State to which they may be sent, and whenever, in the judgment of the manager of the said house of refuge, or reform or industrial school, any child who has been committed from this Territory shall have become sufficiently improved and reformed, the said manager shall have authority to place the said child as an apprentice to some useful trade or employment in any State in which the said managers are now, or may be authorized, to place the children committed to their care by the laws of the State to which they may be sent, or to return such child to its parents or guardian."

SEC. 2. That section twenty-three hundred and thirty-three of the Revised Statutes of Wyoming is hereby amended so that it shall read as follows: "Sec. 2333. It shall be lawful for, and in the discretion of, the district court of any county to commit to the said house of refuge, or reform or industrial school, any child, being a legal resident of said county, and being between the ages of ten and sixteen years, who, upon complaint and due proof, is found to be a vagrant or so incorrigible and vicious that a due regard for the morals and welfare of such child manifestly requires that he or she shall be committed to said house of refuge, or reform or industrial school; but in all such cases the child so committed shall be educated, trained and treated and indentured or discharged in the same manner as provided in the first section of this chapter. \* \* \*

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## LAWS OF WYOMING, 1890-91.

### CHAPTER XX.

SEC. 7. Whenever any person having the care, custody or control of any minor, shall be convicted of a violation of any of the provisions of this act, it shall be lawful for any person to apply to the proper court of the county, wherein such offense has been committed, for the appointment of a proper guardian for and of the person of such minor child,

and the said court may, in its discretion, make such appointment, having due regard for the religious persuasion of the parent or former guardian of such minor child, or it may place such child in an asylum or home for children, if any such there be in the State, with the powers of a guardian of the person, as may be most expedient and conducive to the welfare of such child, and the said court may order the parent of said child, if within its jurisdiction, to pay, upon proper notice or citation, such a reasonable sum toward the maintenance of such minor child, and at such times and in such amounts as the said court may see fit; and said court may upon any subsequent time, upon being satisfied that the parent of such child has become a fit and proper person to resume the care and custody of such minor, and upon reasonable security or assurance, to be fixed or required by the court, being given for the faithful observance of the provisions of this act, may remand such minor child to the custody of such parent, subject, nevertheless, to any obligations of indentures or legal engagements already entered into on behalf of said minor, or his or her guardian. \* \* \*

SEC. 10. Whenever it shall be made to appear to the satisfaction of the district court of any county, or to the judge thereof, in the vacation or recess of said court, that any minor child has been deserted by its parent or its surviving parent, and that it has no legal guardian, it shall be lawful for any proper and fit person to adopt said child, who may desire to do so, in such manner as may be now or hereafter provided by law for the adoption of orphan children.

SEC. 11. Whenever the parents or proper guardian of any minor child, unable to support itself, has or have been convicted of the offenses enumerated in this act, or are dead or cannot be found, and there is no person legally responsible for the maintenance and support of such child willing to assume the support thereof, or to be found in the county, the district court of the county, or the judge thereof, in the vacation or recess of such court, may commit such child to the care and custody of the board of county commissioners of the said county, or to such county commissioner as may have charge of the poor of such county; but nothing in this act

contained shall exempt any person from the duty of maintaining and supporting any child, when so required by law.

#### CHAPTER XXXVII.

SECTION 1. That the State treasurer, State auditor and State superintendent of public instruction shall constitute and shall hereafter be known as the State board of charities and reform.

SEC. 2. The board of charities and reform shall, besides such other powers as may be conferred upon it in accordance with law, have:

1. General supervision and control of all such charitable, reformatory and penal institutions as may be established and supported by the State. \* \* \*

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### LAWS OF WYOMING, 1895.

#### CHAPTER XXV.

##### DEAF AND DUMB CHILDREN.

SECTION 1. Deaf and dumb children of the age of six years and over shall be admitted as inmates to the blind, deaf and dumb asylum of this State, when the same shall be opened for the education and support of the blind, deaf and dumb, and until such time it shall be the duty of the board of trustees of said institution, or the State board of charities to provide for the support, maintenance and education of deaf and dumb children of the age of six years and over, in such asylum as has been selected for the support, maintenance and education of other blind, deaf and dumb of this State, as provided in chapter 15 of the Laws of Wyoming, 1890-91, entitled, "Blind, Deaf and Dumb."

#### CHAPTER XLVI.

SEC. 8. The district court of any county, when it appears that a minor under the age of fourteen years, resident therein, is without a guardian and is entirely abandoned, or is treated with gross and habitual cruelty by the parents of such child, or one of them, or by any other person or per-



sons having the custody of such child, or is illegally deprived of liberty, may appoint a guardian for such child, for such period as may seem fit. If there shall be in existence and incorporated, any society for the humane care of children, known as the Wyoming humane society, or by any other name, the court may designate any such society as guardian of any child, if it is deemed advisable. The court shall have authority, at any time, to revoke any such appointment, and make new appointments.

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## LAWS OF WYOMING, 1893.

### CHAPTER XXXII.

SECTION 1. That deaf and dumb children of the age of nine years and over shall be admitted as inmates to the blind and deaf and dumb asylum of this State, when the same shall be opened for the education and support of the blind, deaf and dumb, and until such time it shall be the duty of the board of trustees of said institution, or the State board of charities, to provide for the support, maintenance and education of deaf and dumb children, of the age of nine years and over, in such asylum as has been selected for the support, maintenance and education of other blind, deaf and dumb of this State, as provided in chapter 14 of the Laws of Wyoming, 1890-91, entitled "Blind, Deaf and Dumb."

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## REVISED STATUTES OF WYOMING, 1887.

### JUVENILE PRISONERS TO BE KEPT IN SEPARATE APARTMENTS.

SEC. 1379. Juvenile prisoners shall, whenever practicable, be kept in apartments separate from elder prisoners; and the visits of parents and friends who desire to exert a moral influence over them, shall, at all reasonable times, be permitted.

BLIND, DEAF AND DUMB INSTITUTE—CREATION  
OF INSTITUTE—LIMITATION.

SEC. 3725. There shall be located and permanently maintained, at the city of Cheyenne, in the county of Laramie, an institute for the support and education of the blind, deaf and dumb: *Provided*, That no institute shall be opened until there are twelve pupils ready and that will enter said school, and when the number of pupils shall fall below the number of eight, then said institute shall close.

WHO ADMITTED TO INSTITUTE.

SEC. 3733. Every blind, deaf or dumb person, who is a resident of this Territory, of suitable age and capacity, shall be entitled to receive an education in said institute at the expense of the Territory.

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WISCONSIN.

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WISCONSIN STATUTES, 1898.

CHAPTER XXIX.

OF THE STATE BOARD OF CONTROL OF REFOR-  
MATORY, CHARITABLE AND PENAL INSTITU-  
TIONS—OBJECTS AND POWERS OF BOARD.

SEC. 561. To secure the just, humane and economical administration of the laws concerning the reformatory, charitable and penal institutions of this State there is hereby constituted a board of five members, which shall be known as the State Board of Control of Wisconsin Reformatory, Charitable and Penal Institutions. Said board shall have and exercise the powers and perform the duties prescribed by law, and its members shall devote their entire time and attention to the discharge of such duties. The board shall be a body corporate under and by said name, and in addition to the powers expressly conferred shall have all such as may be necessary to the full and complete performance thereof. A majority of the members shall be a quorum for the transaction of business.

## DUTIES OF BOARD AS TO OTHER THAN STATE INSTITUTIONS.

SEC. 564. It shall also be the duty of said board:

I. To investigate and supervise all the charitable and correctionable institutions aided at all by the State, and all industrial schools, hospitals and asylums organized or existing or which shall be organized under chapter 86 of these statutes, and to familiarize itself with all the circumstances affecting their management and usefulness. \* \* \*

## CHAPTER XXX.

### OF THE EDUCATION OF THE BLIND—OBJECT AND SUPERVISION OF SCHOOL FOR.

SEC. 568. The object of the school for the education of the blind, established in Janesville, shall be to afford to that unfortunate class, so far as possible, enlightened and practical education, which may aid them to obtain the means of subsistence, discharge the duties of citizens and secure all the happiness which they are capable of attaining. The general supervision and government of said school is vested in the State board of control.

### WHO TO BE RECEIVED—FEES—EXPENSES OF PUPILS.

SEC. 569. All blind residents of this State who are of suitable age and capacity to receive instruction shall be received and taught and enjoy all the benefits and privileges of pupils, have the use of the library and books of tuition, and be furnished with board, lodging, washing and fuel free of charge. \* \* \*

## CHAPTER XXXA.

### OF THE STATE PUBLIC SCHOOL—OBJECT AND SUPERVISION OF.

SEC. 573. The object of the State public school heretofore located at Sparta, shall be to care for and educate physically, intellectually and morally such dependent or neg-



lected children as may be placed therein until such time as temporary homes can be procured for them in good families. The general supervision and government of the school is vested in the State board of control.

#### PUPILS WHO MAY BE—RETURN OF.

SEC. 573a. There shall be received as pupils in said school such children over three and under fourteen years of age as are in a suitable condition of body and mind to receive instruction and who shall be found dependent upon the public for support, as hereinafter declared: *Provided*, That in admitting children said board shall give the preference to those under twelve years of age and to dependent and indigent orphan or half-orphan children of deceased soldiers and sailors of this State. Those who are received into the school, unless they are sent therefrom as hereinafter provided, shall be retained until they are sixteen years of age, and may remain after they have reached that age and until a home is provided for them, in the discretion of the board. \* \* \*

#### EDUCATION.

SEC. 573c. The children in the State public school shall be educated in the branches usually taught in the common schools and shall have proper physical and moral training.

#### GUARDIANSHIP OF INMATES.

SEC. 573d. The said board of control is hereby made the legal guardian of all children who shall become inmates of said school, and it shall be its duty to use special diligence in providing suitable homes for them. It may place them in families and make written contracts with responsible and suitable persons that the children shall be kept during their minority, or, in the discretion of the board, until they attain the age of eighteen years; provide therein for their education in the public schools where they may reside, for teaching them some useful occupation, for their kind and proper treatment as members of the families in which they are placed, and for the payment, on the termination of such contracts, to said board, for the use of the children of such sum of money as may have been stipulated in the contracts.

## AGENT OF SCHOOL—DUTIES.

SEC. 573*h*. Said State board of control may appoint one or more persons to act as agent or agents thereof, and who shall act in that capacity during its pleasure and be known as the agent or agents of the State public school; and his or their duties shall be prescribed by said board and include the visiting as often and at such times as it shall determine, and all children placed in charge of any person by said board, to inquire into the condition of such children and make investigation in relation thereto and report the result thereof to the board. He shall also investigate all applications to take any such children by adoption or otherwise, and the persons who make the same, and enter into a contract in writing in behalf of and under the instruction of said board with the person taking any such child; and all such contracts shall contain a clause reserving to said board the right to withdraw the child from any person having him when in the option of the board the welfare of the child requires it. Each such agent, while acting as such, shall be paid his necessary traveling expenses in the same manner as other bills against said school are paid.

## CHAPTER XXXB.

## OBJECT AND SUPERVISION OF.

SEC. 573*k*. The object of the Wisconsin Home for the Feeble-Minded, heretofore established at Chippewa Falls, shall be to care for, have the custody and training of the feeble-minded, epileptic and idiotic residents of this State and of such persons found therein whose residence cannot be ascertained. The general supervision and government of said home is vested in the State board of control.

## DEPARTMENTS.

SEC. 573*o*. Said home shall be divided into departments as follows: A school department for the educable grades of classes; a custodial department for the helpless and lower types; such other departments or colonies as the welfare of the inmates may require. As soon as practicable the board of control shall establish such trades and manual industries as are adapted to the several departments.

CHAPTER XXXI.

OF THE EDUCATION OF THE DEAF AND DUMB—  
OBJECT AND GOVERNMENT OF SCHOOL.

SEC. 574. The object of the school for the education of the deaf and dumb, heretofore established in Delevan, shall be to afford to that unfortunate class, so far as possible, enlightened and practical education that may aid them to obtain the means of subsistence, discharge the duties of citizens and secure all the happiness which they are capable of attaining. The general supervision and government of said school is vested in the State board of control.

PUPILS, WHO MAY BE—EXPENSES OF INDIGENT.

SEC. 575. All deaf and dumb residents of this State between the age of ten and twenty-five years, of suitable capacity to receive instruction, shall be received and taught free of charge. \* \* \*

EXAMINATION AS TO EDUCATION OF CHILDREN.

SEC. 576. Whenever it shall be made to appear by affidavit to any county or municipal judge that any deaf-mute child of proper age is deprived of a suitable education by the neglect or refusal of its parents or either of them, or its guardian or other person having the care or custody of such child, it shall be the duty of such judge to summon such parents or parent, guardian or other person to bring such child before him, and if the material allegations of such affidavits are denied, he shall subpoena witnesses and hear testimony. If the facts be admitted or established, the judge may, in his discretion, order such child to be sent to some public or private institution for the instruction of deaf mutes, but in no case shall such order be made so as to cause any charge to be made by such institution against any county.

ENUMERATION OF POWERS OF COUNCIL.

SEC. 60. To authorize the taking up and to provide for the safe-keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of



proper parental care and growing up in mendicancy, ignorance, idleness or vice.

#### MINORS MAY BE BOUND OUT.

SEC. 1511. When any minor shall become or be likely to become chargeable to any town, either because of being an orphan or because the parents or other relations are unable or refuse to support such minor, the supervisors of such town shall bind such minor as an apprentice to some respectable householder of the county by written indenture, which shall bind such minor to serve as an apprentice. \* \* \*

#### PUNISHMENT—APPEAL.

SEC. 1546. If it appears from the confession of the defendant, the finding of the justice or the verdict of the jury that the defendant is a vagrant within the meaning of this chapter, such justice shall render judgment accordingly and sentence such person, if a child over ten and under fourteen years of age and of a suitable condition to be received into the State public school, to such school, unless the parent or guardian thereof shall express a preference for some industrial school organized or existing under chapter 86, in which case such child, if a female and under sixteen years of age, shall be sent to such school; of a male child between the ages of ten and fourteen and not of suitable condition to be received into the State public school, or between the ages of fourteen and sixteen, to the State industrial school for boys, and if a male child of any age not more than ten years and not of such condition, then to some industrial school organized or existing as aforesaid; in each of which cases such child shall be committed until it arrives at the age of twenty-one years or is sooner discharged pursuant to the laws regulating the school where sent. \* \* \*

#### COMMITMENT OF CHILDREN.

SEC. 1547. Any male child under the age of ten years, and any female child under the age of sixteen years, besides such as are included in section 1543, who shall be found begging or receiving alms, either directly or under pretense of selling or offering anything for sale in any public street or

place for that purpose, or wandering in public places as one of the class known as rag pickers, or wandering without having any home, abode or proper guardianship, or destitute because an orphan, or having a parent undergoing imprisonment or otherwise, or who frequents the company of reputed thieves or of lewd, wanton or lascivious persons in speech or behavior, or notorious resorts of bad characters, or is an inmate of any house of ill-fame or poor-house, whether in company with a parent or otherwise, or has been abandoned in any way by parents or guardians, and any child within the ages aforesaid, upon petition of his parents, guardian, or, if none, those having him in charge, showing that the welfare and best interests of the child require it, may be brought before any judge of a court of record of the county, and committed to the State public school, or to an industrial school, in the manner and for the time provided in this chapter and subject to like appeal. \* \* \*

#### INDUSTRIAL SCHOOL CORPORATIONS.

SEC. 1786. Any such corporation formed for the establishment and maintenance of any industrial school for the keeping and reformation of children lawfully committed to the same may receive any child lawfully committed thereto or placed therein, and shall thereafter have and shall maintain the exclusive custody, care and guardianship of every such child for the term of commitment or until discharged according to law. \* \* \* The officers of every such corporation shall cause all children so committed to be instructed in such branches of useful knowledge as may be suited to their respective years and capacities; and girls shall especially be taught domestic vocations, sewing, mending, knitting and housekeeping in all its departments, besides the common branches of education. Any clergyman of good standing shall be granted reasonable facilities, at proper times and places, freely to minister and impart moral and religious instruction, according to the usages of his church or denomination, to every inmate or child of such school belonging to such church or denomination, or who shall desire him so to do. \* \* \*

## WISCONSIN STATUTES, 1898.

## CHAPTER CCIA.

## WHO TO BE SENTENCED TO.

SEC. 4944a. The Wisconsin State reformatory heretofore established is continued. All male persons between the ages of sixteen and twenty-five years inclusive, who, for the first time, so far as can be judicially ascertained, are convicted of felonies punishable by confinement in the State prison or of misdemeanors, the maximum penalty for which is imprisonment for one year in the county jail, shall, in the discretion of the judge having jurisdiction, be sentenced thereto: *Provided*, That no person convicted of murder in the first, second or third degree shall be sentenced to said reformatory.

## POWERS OF BOARD OF CONTROL.

SEC. 4944b. \* \* \* Said board is empowered to establish and maintain in connection with said institution a system of manual training and instruction in trades, and create such industries, productive or other, as are consonant with law and the best interests of the inmates of said reformatory. It may establish such system of grading and marking as accords with the practice in one or more of the leading institutions of the country of similar character, and shall have power, generally, to order all matters of government in such way as in their opinion best subserves the object of this chapter, to wit: The fitting of the inmates for a proper appreciation and performance of the duties and responsibilities of good citizens. It shall, under the direction and with the consent of the governor, in each instance, have power to establish such conditions precedent to the parole of inmates as it shall deem proper, and it may, if in its judgment advisable, the governor authorizing such action, require that every prisoner paroled or discharged shall engage in honorable employment in a position secured for him in advance of his release.



## CHAPTER CCIII.

### WHO TO BE COMMITTED TO.

SEC. 4961. The Wisconsin Industrial School for Boys, at Waukesha, shall be the place of confinement and instruction of all male children between the ages of ten and eighteen years who shall be legally committed thereto as vagrants, or on conviction of any criminal offense or for incorrigible or vicious conduct.

### AUTHORITY OF STATE BOARD.

SEC. 4964. Such board may make such rules, regulations, ordinances and by-laws for the government, discipline and management of said school and the inmates thereof as to it seems just and proper; and shall place the children committed to its care, during the minority of said children, at such employments, and cause them to be instructed in such branches of useful knowledge as shall be suited to their years and capacities; and it may bind out said children with their consent, or the consent of their parents or guardian, if they have any, as apprentices or servants during their minority to such persons and at such places, to learn such proper trades and employments as in its judgment will be most for their reformation, amendment and future benefit; but the religious opinions of the inmates shall not be interfered with.

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## WEST VIRGINIA.

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### CODE OF WEST VIRGINIA, THIRD EDITION, 1891. SCHOOL FOR DEAF AND BLIND.

SEC. 98a. That the name of the West Virginia institution for the deaf and dumb and blind be, and the same is, hereby changed to that of "The West Virginia Schools for the Deaf and the Blind." The board of regents of the West Virginia schools for the deaf and the blind shall consist of seven members, not more than two of whom shall be appointed by the governor from each congressional district, who shall constitute collectively a body corporate with powers to rent, pur-

chase and convey real estate, and with all other powers necessary for the carrying on of the institution for the education of the deaf and the blind youth of West Virginia, established under the act passed March third, eighteen hundred and seventy, and to be known as "The Board of Regents of the West Virginia Schools for the Deaf and the Blind." Said board shall appoint one of their number as president, and in case of his absence a president *pro tem.*; shall also appoint a secretary, and all others; drafts or requisitions for money from the State shall be signed by their secretary and countersigned by the president. Said board shall meet as hereinafter provided, and shall hold such other meetings as they may think necessary. Extra meetings may be called by the president or by any three members of the board by notifying the other members of the time and place of the meeting and of the nature of the business which renders an extra meeting necessary; any three members of said board shall constitute a quorum for the transaction of all ordinary business, but for the appointment to and removal from office of any of the officers and teachers of said institution, the concurrence of the majority of the members of said board shall be necessary.

SEC. 9. All such deaf, dumb and blind youth, residents of the State of West Virginia, between the ages of eight and twenty-five years, shall be admitted to pupilage in the institution on application to the principal; until the institution is filled, applicants shall be admitted in the order of their application, and it shall be the duty of the principal to keep a careful record of the names of all pupils admitted, with the dates of their admission and discharge, their age, post-office address, the name of their parents or guardians, the degree, cause and circumstances of their deafness or blindness. All such deaf, dumb and blind pupils shall be admitted as above directed without charge for board and tuition; and when not otherwise provided with clothing they shall be furnished by the institution while they are pupils in the same, and the principal shall make out an account therefor in each case against the respective counties from which said pupils are sent, in an amount not exceeding forty dollars per annum for every such pupil, which amount shall be certified by the prin-

principal and countersigned by the secretary, and which shall be transmitted by the principal to the clerk of the county court of the county from which such pupil was sent, and such county court of such county shall, at their next annual levy, provide for the payment of the same out of such county levy to the said principal for the use of the said institution. The term of pupilage shall be five years at least, and for so much longer time as in the discretion of the board and principal their condition and progress would seem to justify. After all the applicants between the prescribed ages of eight and twenty-five years have been admitted, if there is still room, the principal may admit other deaf and dumb and blind persons on application who may be of suitable age to receive any advantages of the institution, and upon such terms as the board may prescribe, but it shall be distinctly understood that such persons shall withdraw from the institution in the order of the dates of their admission to make room for new applicants between the ages herein already prescribed.

#### HOUSE OF REFUGE.

SEC. 3. All children under the age of sixteen years who shall be convicted of any offense made punishable by imprisonment under any ordinance of said city or town, or who shall be liable to be committed to prison under any such ordinance, may be confined in such house of refuge, and may be there kept or apprenticed out under such rules as the directors of the house of refuge may prescribe, until they arrive at the age of eighteen years, unless for good cause sooner discharged by law. \* \* \*

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#### PROVIDING FOR ORPHANS AND DESTITUTE CHILDREN.

SECTION 1. That it shall be lawful for the directors of any corporation formed under chapters fifty-three, fifty-four and fifty-five of the Code of West Virginia, or organized under special charters for the purpose of an orphan asylum or children's home in this State, or for the trustees of any



orphan asylum or children's home established under the laws of this State, or of Virginia, to take under their guardianship all children who may be placed under their care and management, in either of the following modes:

First. Children under fourteen years of age, who shall be voluntarily surrendered by their father, or in case of his death, or long continued or wilful absence, by their mother, or by their guardians, to the care of said directors or trustees, they being, by virtue of such surrender, invested with the same power over the said children as the parent or guardians were themselves possessed.

Second. Children under fourteen years of age who, upon the application of said directors or trustees, may be committed to their care by any judge of a circuit court of any county, or by the clerk of the county court thereof, wherein such corporation, orphan asylum or children's homes shall exist, on account of vagrancy or exposure to want and suffering, or neglect or abandonment of such children by their parents, or guardians, or by other persons having custody of said children, or by reason of any such children having been found begging in such county, or likely to become chargeable thereto, or in accordance with the request of the mother or next friend of any child or children, in case of habitual intemperance, abuse or neglect of the father of such child or children; and it shall be the duty of such judge or clerk so committing any child to the care of said directors or trustees to annex to the commitment an abstract of the evidence taken before him, and on which the adjudication was founded, which evidence shall have been taken under oath or affirmation.

SEC. 2. Said directors or trustees shall have the guardianship of such children until they attain the age of twenty-one years, if a boy, or eighteen years, if a girl, and may, when in the discretion of said directors or trustees it shall appear proper, place any of said children in suitable homes, having scrupulous regard to the religious and moral character of those with whom such children are placed, in order to secure to them the benefits of good example and wholesome instruction, and the opportunity of becoming intelligent and useful men and women.

SEC. 3. Said directors or trustees shall require a bond to be entered into by the person or persons so receiving such child, in a penalty of not less than one thousand dollars, conditioned that such person or persons will furnish said child with good and sufficient clothing, food and medical attendance and cause it to receive a common school education. Such bond shall be made payable to such corporation or trustees, and any sum of money recovered on such bond shall be expended by such corporation or trustees in the maintenance and tuition of such child.

SEC. 4. Any person receiving such child or children from the directors of such corporation or from said trustees, under the provisions of this act, shall not assign or transfer his, her or their services for any period without the written consent of the said directors or trustees. And if, for any cause, a person so taking charge of a child desires to be released from the contract, the directors or the trustees, upon application, may, in their discretion, cancel the same and resume the charge and management of said child, and shall have the same power and authority over him or her as before the agreement was made.

SEC. 5. The said directors or trustees shall have power to remove a child or children from a home when, in their judgment, the said home has become an unsuitable one, and they shall, in such case, resume the same power and authority over such child or children as they originally possessed: *Provided*, The said directors or trustees may, in their discretion, return the said children to parents or surviving parents or guardians, or when they believe said children to be capable of caring and providing for themselves, may discharge them to their own care.

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## ACTS OF WEST VIRGINIA, 1893.

### CRUELTY TO CHILDREN.

SECTION 1. That whenever the board of trustees or directors of any orphan asylum or children's home in this State incorporated under the laws of this State, or of the

State of Virginia prior to the formation of this State, shall have probable cause to believe that any child under fifteen years of age is abandoned, neglected or cruelly treated by its parent or parents, or its custodians, or is habitually sent out or permitted to beg upon the public thoroughfare or in public places, or is habitually an associate of idle and vicious persons, or that the parent of any child is in constant habits of drunkenness and blasphemy, or of low and gross debauchery, such board of trustees or directors may present a petition setting forth such facts, or any of them, to a judge of the circuit court, who may thereupon issue a writ of habeas corpus requiring such child to be delivered into the custody of such board of directors or trustees or such other custody as to the judge may seem proper, to be there detained and cared for until a hearing can be had upon said petition; such petition shall be heard by the circuit court of the county in which is situated the said home or asylum, or by the judge thereof in vacation, and notice of the time and place of such hearing shall be served upon the person from whose custody said child was taken or who is sought to be deprived of the custody of said child. If the facts set forth in said petition shall, on the hearing, be maintained, and it shall appear to the court or judge that the interest and welfare of said child require the custody thereof to be changed, the court or judge shall order the custody thereof to be changed, and may, in its discretion, order that the child be committed to the custody of said board of directors or trustees. Appeal may be taken from such order as in other cases, and in case thereof the court or judge may make such order as to the custody of the child as it may deem proper. All children committed to the custody of such board of directors or trustees or other person shall be under their supervision and control in the manner herein provided until they become of age, or until otherwise ordered by the said circuit court or judge thereof sitting in vacation. Any parent who shall either personally or by agent entice or attempt to entice away his or her child from the custody of said trustees or directors, or who shall, by threats, menaces or force, deprive or attempt to deprive the said trustees or directors of the custody of his or her child, shall be



guilty of a misdemeanor, and shall be fined not more than one hundred dollars, or imprisoned in the county jail not less than one nor more than six months.

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## ACTS OF WEST VIRGINIA, 1897.

### CHAPTER VIII.

#### INDUSTRIAL HOME FOR GIRLS.

SECTION 1. There is hereby established a State institution to be known as "The West Virginia Industrial Home for Girls." Said institution shall be under the control of a board of directors, to consist of three men and three women.

\* \* \* \* \*

SEC. 3. The board of directors shall make such by-laws, ordinances, rules and regulations relative to the management, government, instruction, discipline, training, employment and disposition of the girls in the home, not contrary to law, that they may deem proper; and shall appoint such officers, agents and servants as they may deem necessary to transact the business and carry on the operation of said home, and designate their duties and fix their compensation; but all the officers, agents and servants for the internal management shall be women. The board shall adopt rules governing the transportation of minors to and from said home.

SEC. 4. The board of directors shall make an annual report to the governor of all their transactions, of the number of minors received by them in said home, the disposition which shall be made of such minors, by instructing or employing them therein, or by binding them out as apprentices; of the receipts and expenditures of the board, and generally all such facts and particulars as may tend to exhibit the effect, whether beneficial or otherwise, of said home.

SEC. 5. Girls eligible to be received into said home are those who are from seven to eighteen years of age, and who may be committed by any justice of the peace of this State,

on complaint and due proof made to him by the parent, guardian or next friend of such girl, that by reason of incorrigible or vicious conduct, such girl has rendered her control beyond the power of such parent, guardian or next friend, and made it manifestly best that such girl should be placed in said home; or by any criminal, circuit or intermediate court of this State, girls may be so committed for vagrancy up to eighteen years of age, or where parents, guardians or next friends agree and contract with the board of directors for their support and maintenance, or girls up to fifteen years of age, who may be found in houses of ill-fame or assignation houses, upon conviction thereof before any justice of the peace, mayor of a town or city; or girls convicted by any of the courts of this State of felony or misdemeanor, punishable by imprisonment, the judge, in his discretion, instead of confining such girl in the county jail or sending her to the penitentiary, may transfer such girl so convicted to said home from any county of this State, provided there is room there for such girl. Every girl committed to said home shall remain there until she is twenty-one years of age, unless sooner discharged by the board of directors. In all cases coming before a justice, mayor or other authority they shall appoint a guardian *ad litem* for such girl, who shall be some disinterested person, discreet and careful, and who shall see that no injustice is done the girl; and he shall have the right to demand a trial for his ward by a jury of twelve men to ascertain the truth of the charges against the girl, and said jury shall be selected and trial conducted as other trials are conducted by justices in criminal cases before them. Or said justice or court may, without a jury, try such a girl if no jury is demanded by her guardian or next friend.

SEC. 8. The said industrial home shall be exclusively charged with the reformation and care of girls, but white and colored shall be held separate as far as practicable.

SEC. 9. The board of directors shall have power to bind out such girls committed to their care as apprentices to the time said girls shall arrive at twenty-one years of age, to learn some proper trade, business or calling, on such terms as will be advantageous to such girls; but such girls so bound

out are to be bound only to those whose characters are above reproach, and within the State. \* \* \*

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WEST VIRGINIA REFORM SCHOOL, 1899, page 411.

CHAPTER III.

98c. 1. An institution to be called the West Virginia Reform School is hereby established and shall hereafter be carried on in a suitable building or buildings for the purpose, to be erected by the State at such locality as may be selected in accordance with this act. This institution shall be under the control of a board of directors hereinafter provided for.





















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